

Initiative and Referendum Publicity Pamphlet

State of Arizona, 1918

A PAMPHLET

Containing a Copy of All the

PROPOSED AMENDMENTS TO THE CONSTITUTION

Proposed by Initiative Petition.

REFERENDUM ORDERED BY THE LEGISLATURE

AND BY PETITION OF THE PEOPLE

and

MEASURES PROPOSED BY INITIATIVE PETITION,

To be submitted to the Qualified Electors of the State of Arizona for
their Approval or Rejection at the

REGULAR GENERAL ELECTION

To be held on

THE FIFTH DAY OF NOVEMBER, 1918

Together with the Arguments, filed, favoring and opposing certain of
said measures.

Compiled and Issued by

SIDNEY P. OSBORN, Secretary of State

(Publication authorized under Par. 3332, Chapter 1, Title XXII, Revised
Statutes of Arizona, 1913, Civil Code).



AMERICAN CONSULATE
NOGALES, SONORA, MEXICO

JK 8325
1918
A75

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE
STATE OF ARIZONA.

AN ACT TO PROVIDE COMPENSATION FOR WORKMEN INJURED IN HAZARDOUS EMPLOYMENTS, AND FOR THEIR BENEFICIARIES AND DEPENDENTS WHERE DEATH RESULTS FROM SUCH INJURY; CREATING AN INDUSTRIAL ACCIDENT BOARD, DEFINING ITS POWERS AND DUTIES AND PROVIDING FOR A REVIEW OF ITS AWARDS; CREATING AN INDUSTRIAL ACCIDENT FUND, AND PROVIDING FOR THE ADMINISTRATION THEREOF; PRESCRIBING THE LIABILITY OF EMPLOYERS WHO DO NOT ELECT TO COME UNDER THE COMPENSATION PROVISIONS OF THIS ARTICLE; AND ABROGATING ALL LAWS AND CONSTITUTIONAL PROVISIONS IN CONFLICT HEREWITH.

To be submitted to the qualified electors of the State of Arizona for
their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON THE FIFTH DAY OF NOVEMBER, 1918.

Proposed by Initiative Petition of the people and filed in the office
of the Secretary of State, July 1, 1918, in accordance with the
Provisions of Paragraph 3328, Chapter 1, Title XXII,
Revised Statutes of Arizona, 1913, Civil Code.

Printed in pursuance of Paragraph 3332, Chapter 1, Title XXII, Re-
vised Statutes of Arizona, 1913, Civil Code.

SIDNEY P. OSBORN, Secretary of State.

The following is the form and number in which the question will
be printed on the official ballot.

PROPOSED AMENDMENT TO THE CONSTITUTION
PROPOSED BY INITIATIVE PETITION.

AN ACT TO PROVIDE COMPENSATION FOR WORKMEN INJURED IN HAZARDOUS EMPLOYMENT AND FOR THEIR BENEFICIARIES AND DEPENDENTS WHERE DEATH RESULTS FROM SUCH INJURY; CREATING AN INDUSTRIAL ACCIDENT BOARD DEFINING ITS POWERS AND DUTIES AND PROVIDING FOR A REVIEW OF ITS AWARDS; CREATING AN INDUSTRIAL ACCIDENT FUND, AND PROVIDING FOR THE ADMINISTRATION THEREOF; PRESCRIBING THE LIABILITY OF EMPLOYERS WHO DO NOT ELECT TO COME UNDER THE COMPENSATION PROVISIONS OF THIS ARTICLE; AND ABROGATING ALL LAWS AND CONSTITUTIONAL PROVISIONS IN CONFLICT HEREWITH.

If you favor the above law, vote YES; if opposed, vote NO.

100 Yes.

101 No.

of D.
OCT 31 1919

(On Official Ballot Nos 100 and 101.)

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE
STATE OF ARIZONA.

TO PROVIDE COMPENSATION FOR WORKMEN INJURED IN HAZARDOUS EMPLOYMENTS, AND FOR THEIR BENEFICIARIES AND DEPENDENTS WHERE DEATH RESULTS FROM SUCH INJURY; CREATING AN INDUSTRIAL ACCIDENT BOARD, DEFINING ITS POWERS AND DUTIES AND PROVIDING FOR A REVIEW OF ITS AWARDS; CREATING AN INDUSTRIAL ACCIDENT FUND, AND PROVIDING FOR THE ADMINISTRATION THEREOF; PRESCRIBING THE LIABILITY OF EMPLOYERS WHO DO NOT ELECT TO COME UNDER THE COMPENSATION PROVISIONS OF THIS ARTICLE; AND ABROGATING ALL LAWS AND CONSTITUTIONAL PROVISIONS IN CONFLICT HEREWITH.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

That the Constitution of the State of Arizona be and is hereby amended by adding thereto another article, the same to be numbered XXV, and to read as follows, to-wit:

Section 1. This Article shall be known and may be cited as the Workmen's Compensation Law.

Sec. 2. (a) There is hereby created a board to consist of three members appointed by the Governor, by and with the advice and consent of the Senate, which Board shall be known as the Industrial Accident Board, and shall have the powers, duties and functions hereinafter conferred. The term of office of each member of the Board shall be six years, except that the terms of the members first appointed shall expire, one on January 1, 1921, one on January 1, 1923, and one on January 1, 1925. Their successors shall be appointed for full terms of six years from the expiration of the terms of their predecessors in office. Until otherwise provided by law, each member shall receive an annual salary of thirty six hundred dollars. The Board shall elect one of their number as Chairman, one as Secretary, and one as Treasurer of the Board.

(b) If a vacancy occurs, otherwise than by expiration of a term.

it shall be filled in the same manner as the original appointment, but shall be only for the unexpired term of such vacancy.

(c) Each member shall, before entering upon the duties of his office, execute to the State of Arizona, and file with the Secretary of State, a bond in the sum hereinafter prescribed, executed by not less than four responsible sureties, or by some Surety Company authorized to become sole surety on bonds in the State of Arizona, such bond to be approved by the Governor and conditioned that such member will faithfully and impartially discharge the duties of his office. Any premium paid to any such Surety Company for acting as surety on such bond shall be repaid to the member giving such bond out of the Industrial Accident Fund hereinafter created.

(d) The bond of the Treasurer of the Board shall be in a sum to be fixed by the Governor, not less than twenty-five thousand dollars, nor more than one hundred thousand dollars. The bonds of the members of the Board other than the Treasurer shall be in the sum of ten thousand dollars.

(e) A majority of the Board shall constitute a quorum for the transaction of any business. A vacancy on the Board shall not impair the right of the remaining members to perform all of the duties and exercise all the powers and authority of the Board. The act of the majority of the Board, when in session as a Board, shall be deemed to be the act of the Board, but any investigation, inquiry or hearing which the Board has power to undertake or to hold may be undertaken or held by or before any member thereof or any examiner or referee appointed by the Board for that purpose. Every finding, order, decision or award made by any Board member, examiner or referee pursuant to such investigation, inquiry or hearing, when approved and confirmed by the Board and ordered filed in its office, shall be deemed to be the finding, order, decision or award of the Board.

(f) The Board shall have a seal bearing the following inscription: "Industrial Accident Board, State of Arizona, Seal." The seal shall be affixed to all writs and authentications of copies of records and to such other instruments as the Board shall direct. All courts shall take judicial notice of said seal.

(g) The Board shall keep its principal office in the capital of the State, and shall be provided with suitable rooms, necessary office furniture, stationery and other supplies. For the purpose of holding sessions in other places, the Board shall have power to rent temporary quarters.

(h) It shall be the duty of the Secretary of the Board to keep a full and true record of all its proceedings, to issue all necessary processes, writs, warrants and notices which the Board is required or

authorized to issue, and generally to perform such other duties as the Board may prescribe.

(i) The Board shall employ such assistants and other employes as it may deem necessary to carry out the provisions of this Article.

(j) All employes of the Board shall receive such compensation for their services as may be fixed by the Board, shall hold office at the pleasure of the Board, and shall perform such duties as are imposed upon them by law or by the Board.

(k) The salary of members of the Board and of every other person holding office or employment under the Board, as fixed by law or by the Board, shall be paid semi-monthly out of the general fund, on warrants drawn by the State Auditor therefor.

(l) All expenses incurred by the Board pursuant to the provisions of this Article, including the actual and necessary traveling and other expenses and disbursements of the members thereof, its officers and employes, incurred while on business of the Board, either within or without the State, shall, unless otherwise provided in this Article, after being approved by the Board, be paid out of the general fund, on warrants drawn by the State Auditor therefor.

(m) The Board shall cause to be printed such blank forms as it shall deem requisite to facilitate or promote the efficient administration of this Article. It shall provide a book in which shall be entered the minutes of all its proceedings, a book of record in which shall be recorded all awards made by the Board, and such other books or records as it shall deem requisite for the purpose of efficient administration of this Article. All such records are to be kept in the office of the Board.

(n) The Board shall have the power and authority to publish and distribute at its discretion, from time to time, in addition to its annual report, such further reports and bulletins covering its operations, proceedings and matters relative to its work as it may deem advisable.

(o) The Board shall have power and authority to charge and collect the following fees: For copies of papers and records not required to be certified or otherwise authenticated by the Board, fifteen cents for each folio; for certified copies of official documents, and orders filed in its office, or of the evidence taken at any hearing, twenty cents for each folio. The Board shall also have power and authority to fix and collect reasonable charges for publications issued under its authority. The fees charged and collected under this section shall be paid monthly into the Treasurer of the State, and shall be accompanied by a detailed statement thereof.

(p) The Attorney General shall be the legal advisor of the Board.

and shall represent it in all proceedings whenever so requested by the Board or any member thereof.

Sec. 3. (a) In an action to recover damages for personal injuries sustained by an employe in the course of his employment, in any of the works or occupations hereinafter specified as "hazardous," or for death resulting from personal injuries so sustained, it shall not be a defense.

(1) That the employe was negligent, unless such negligence was wilful or the result of intoxication.

(2) That the injury was caused by the negligence of a fellow employe.

(3) That the employe had assumed the risk inherent in, incident to, or arising out of his employment, or arising from the failure of the employer to provide and maintain a reasonably safe place to work or reasonably safe tools or appliances.

(b) The provisions of section 3 (a) shall not apply to actions to recover damages for personal injuries sustained by household or domestic servants, farm or other laborers engaged in agricultural pursuits, or persons whose employment is of a casual nature.

(c) Any employer who elects to pay compensation as provided in this Article shall not be subject to the provisions of Section 3 (a), nor shall such employer be subject to any other liability whatsoever for the death of or personal injury to any employe, except as in this Article provided; and, except as specifically provided in this Article, all causes of action, actions at law, suits in equity and proceedings whatsoever, and all statutory and common-law rights and remedies for and on account of such death of, or personal injury to, any such employe are hereby abolished; provided, that Section 3 (a) shall not apply to any action brought by an employe who has elected not to come under the compensation provisions of this Article, or by his representatives, for damages for personal injuries or death against an employer who has elected to come under the compensation provisions of this Article.

(d) When both the employer and the employe have elected to come under the compensation provisions of this Article, such compensation provisions shall be exclusive, and such election shall be held to be a surrender by such employer and such employe of their rights to any other method, form or kind of compensation, or determination thereof, or to any other compensation or kind of determination thereof, or cause of action, action at law, suit in equity, or statutory or common-law right or remedy or proceeding whatsoever, for or on account of any personal injury to or death of such employe, except as such rights may

be hereinafter specifically granted; and such election shall bind the employe himself, and in case of death, shall bind his personal representative and all persons having any right or claim to compensation for his injury or death, as well as the employer, and those conducting his business during liquidation, bankruptcy or insolvency.

(e) Where a public corporation is the employer, or any contractor engaged in the performance of contract work for such public corporation the compensation provisions of this Article shall be exclusive, compulsory and obligatory upon both employer and employe. Any sums necessary to be paid under the provisions of this Article by any public corporation shall be considered to be ordinary and necessary expenses of such corporation, and the governing body of such public corporation shall make appropriation of and pay such sums into the Industrial Accident Fund at the time and in the manner provided for in this Article, notwithstanding that such governing body may have failed to anticipate such ordinary and necessary expense in any budget, estimate of expense, appropriation, or ordinance or otherwise.

(f) Every employer engaged in any of the industries, works, occupations or employments in this Article specified as "hazardous," may, on or before the first day of January, 1919, if such employer be then engaged in such hazardous industry, work, occupation or employment, or at any time thereafter, or, if such employer be not so engaged on said date, may on or after thirty days before entering upon such hazardous work, occupation or employment, or at any time thereafter, elect whether he will be bound by the compensation provisions of this article. Such election shall be in the form prescribed by the Board, and a notice of such election shall be posted in a conspicuous place in the place of business of such employer, and a copy of such notice, together with an affidavit of such posting shall be filed with the Board.

(g) Every employe in the industries, works, occupations or employments in this Article specified as "hazardous" shall become subject to and be bound by the compensation provisions of this Article, if the same shall have been adopted by his employer, unless such employe shall elect not to be bound by the compensation provisions of this article, and until such employe shall have made such election. Such election shall be made by written notice in the form prescribed by the Board, served upon the employer, and a copy filed with the Board, together with the proof of such service.

(h) If the employer shall fail to make the election herein provided for, at the time and in the manner herein prescribed, such employer shall be conclusively presumed to have elected not to be bound by the compensation provisions of this article for that calendar year, unless such employer shall elect to become subject to or bound by the compensation provisions of this Article in the manner provided for

such election in the first instance. After having elected once to be bound by the compensation provisions of this Article, such employer shall be bound by such election for said first calendar year and each succeeding calendar year, unless such employer shall, not less than thirty days, nor more than sixty days prior to the end of any calendar year, elect not to be bound by such compensation provision, after the expiration of such calendar year. Such election must be made in the manner provided for in reference to the first election of such employer under this Article.

(i) It is the intention of this Article that any employer engaged in any hazardous occupation, as defined herein, shall, before being bound by the compensation provisions of this Article, elect to be so bound thereby, and that the employee shall be conclusively presumed to have elected to be subject to and bound by such compensation provisions, unless such employee shall affirmatively elect not to be bound by the compensation provisions of this Article. No election by an employee not to be bound by the compensation provisions of this Article shall be of any force or effect as to any injury or injuries occurring prior to such election.

(j) Any employee who has elected not to be bound by the compensation provisions of this Article, in the manner herein provided, may revoke such election and elect to come thereunder at any time. Any employer who has failed to elect to be bound by the compensation provisions of this Article may, at any time during the calendar year, elect to be bound thereby, which said election shall be made as hereinbefore provided; but whenever any employer or employee shall have elected to come under the provisions hereof, such election, when it shall have been made, shall bind such employer and employee for the rest of the then calendar year.

(k) No compensation shall be paid out of the Industrial Accident fund to any employee, whether such employee has elected to come under the compensation provisions of this Article or not, where his employer has failed to elect and has failed to come under such compensation provisions.

Sec. 4. This Article is intended to apply to all hazardous works, occupations and employments within this State, and it is the intention to embrace all thereof in Section 26 of this Article and the works and occupations enumerated in said Section 26 are hereby declared to be hazardous.

Sec. 5. If there be or arise any hazardous work, occupation or employment other than those enumerated in Section 26 of this Article it shall come under this Article and its terms, conditions and provisions, as fully and completely as if therein enumerated.

Sec. 6. Unless the context otherwise requires, words and phrases employed in this Article shall have the following meaning:

(a) "Factories" means undertakings in which the business of working at commodities is carried on with power-driven machinery, whether in manufacture, repair, or change, and shall include the premises, yards and plant of the concern.

(b) "Work-shop" means any plant, yard, premises, room or place where power-driven machinery is employed and manual labor is exercised by way of trade or gain or otherwise, in or incidental to the process of making, altering, repairing, printing or ornamenting, finishing, or adapting for sale, or otherwise, any article or part of article, machinery, or thing, over which premises, room, or place the employer of the person working therein has the right of access or control.

(c) "Mill" means any plant, premises, room or place where machinery is used for the purpose of changing, altering or repairing any article or commodity for sale, or otherwise, together with the yards and premises which are a part of the plant, including elevators, warehouses, and bunkers.

(d) "Mine" means and shall include any mine where coal, clay, ore, mineral, gypsum, or rock is dug or mined underground.

(e) "Quarry" means an open cut from which coal or ore is mined, or clay, mineral, gypsum, sand, shale, gravel or rock is cut or taken.

(f) "Engineering work" means any work of construction, improvement, alteration or repair of buildings, streets, highways, sewers, street railways, railroads, logging roads, interurban roads, harbors, docks, canals; electric, steam or water power plants; telegraph and telephone plants and lines; electric light and power lines; and includes any other work for the construction, alteration or repair of which machinery driven by mechanical power is used.

(g) "Employer" means any person, firm, association, or corporation and includes the state, counties, municipal corporations, cities under special charter and commission form of government, school districts, towns or villages, and independent contractors, and shall include the legal representative of a deceased employer.

(h) "Employe" and "Workman" are used synonymously, and shall mean every person in this State, including a contractor other than an independent contractor, who, after January 1, 1919, is engaged in the employment of an employer carrying on or conducting any of the industries classified in Section 26 of this Article, whether by way of manual labor or otherwise, or whether upon the premises or at the plant

of such employer, or who is engaged in the course of his employment away from the plant of his employer; provided, however,

1. If the injury to a workman occurring away from the plant of his employer is due to the negligence or wrong of another not in the same employ, the injured workman, or if death results from such injury, his beneficiaries or dependents, as the case may be, shall elect whether to take under this Article or seek a remedy against such other; such election shall be made in advance of the commencement of the action.

2. If he takes under this Article, the cause of action against such other shall be assigned to the State for the benefit of the Industrial Accident Fund.

3. Any such cause of action assigned to the State may be prosecuted or compromised by the Board at its discretion.

4. If such workman, his beneficiaries or dependents, as the case may be, shall elect to proceed against the person responsible for the injury, such election shall constitute a waiver of any right to compensation under the provisions of this Article.

(i) "Injury" shall include death resulting from injury, but shall refer only to injury resulting from some fortuitous event, as distinguished from the contraction of disease.

(j) "Beneficiary" means and shall include a surviving wife or husband until remarriage and a surviving child or children under the age of twenty-one years, and any invalid child or invalid children over the age of twenty-one years, or if no surviving wife or husband, then the surviving child or children under the age of twenty-one years, and any invalid child or children over the age of twenty-one years, in whom shall vest a right to receive compensation under this Article.

(k) "Major dependent" means, if there be no beneficiaries as defined in Section 6 (j), the father and mother or the survivor of them, if actually dependent to any extent upon the decedent at the time of his injury.

(l) "Minor dependent" means, if there be no beneficiary, as defined in Section 6 (j), and if there be no major dependent, as defined in Section 6 (k), the brothers and sisters, under the age of twenty-one years, if actually dependent upon the decedent at the time of his injury.

(m) "Invalid" means one who is physically or mentally incapacitated.

(n) "Child" includes a posthumous child, a step-child, a child

adopted prior to the injury, an illegitimate child legitimized prior to the injury.

(o) Whenever the singular is used the plural shall be included, and whenever the plural is used the singular shall be included.

(p) Whenever the masculine gender is used, the feminine and neuter shall be included.

(q) The term "physician" shall include "surgeon," and in either case shall mean one authorized by law to practice his profession in this State.

(r) "Week" means six working days, but includes Sundays.

(s) "Wages" means the daily wages being received by the employee at the time of the injury for the usual hours of employment in a day, and overtime is not to be considered.

(t) "Wife" or "widow" means only a wife or widow who was legally entitled to be supported by the deceased at the time of the injury.

(u) "Husband" or "widower" means only a husband or widower who was incapable of supporting himself and was legally entitled to be supported by the deceased at the time of her injury.

(v) "Board" means the Industrial Accident Board of the State of Arizona.

(w) "Payroll," "Annual Payroll" or "Annual Payroll for the Preceding year" means the annual payroll of the employer for the preceding calendar year, or, if the employer shall not have operated a sufficient or any length of time during such calendar year, twelve times the average monthly payroll for the current year; Provided, that an estimate may be made by the Board for any employer starting in business, such estimate to be adjusted by additional payment by the employer, or refund by the Board, as the case may actually be, on December 31 of such current years.

(x) "Year," unless otherwise specified, means calendar year. "Fiscal Year" means the period of time between the first day of July and the thirtieth day of the succeeding June.

(y) "Public Corporation" means the State or any County, municipal corporation, school district, city, city under commission form of government or special charter, or any town or village.

(z) "Casual Employment" means employment not in the usual course of trade, business, profession or occupation of the employer.

(aa) "Plant of the Employer" shall include the place of business

of a third person while the employer has access to, or control over, such place of business for the purpose of carrying on his usual trade, business or occupation.

(bb) "Independent Contractor" is one who renders services in the course of an occupation, representing the will of his employer only as to the result of his work, and not as to the means by which it is accomplished.

Sec. 7. (a) In computing compensation to children and to brothers and sisters, only those under twenty-one years of age, or invalid children, brothers or sisters, over the age of twenty-one years, shall be included, and, in the case of invalid children, brothers or sisters, only during the period in which they are under that disability, (within the maximum time limitations elsewhere in this Article provided), after which payment on account of such persons shall cease. Compensation to children or brothers or sisters (except invalids), shall cease when such persons reach the age of twenty-one years.

(b) If any beneficiaries or major or minor dependents of a deceased employe die, the right of such beneficiary or major or minor dependent to compensation under this Article shall cease.

Sec. 8. (a) Payment of compensation to a beneficiary not residing within the United States may be made to any plenipotentiary or consul or consular agent within the United States representing the country in which such non-resident beneficiary resides, and the written receipt of such plenipotentiary or consul or consular agent shall acquit the Board.

(b) Where payment is due to a child under twenty-one years of age, or to a person adjudged incompetent, the same shall be made to the parent, or to the duly appointed guardian, as the case may be, and the written receipt of such parent or guardian shall acquit the Board. In other cases payment shall be made to the person entitled thereto or to his duly authorized representative.

Sec. 9. (a) In case of personal injury or death, all claims shall be forever barred, unless presented within twelve months from the date of the happening of the accident.

(b) No limitations of time, as provided in this Article, shall run as against any injured workman, beneficiary or major dependent who is mentally incompetent and without a guardian, or as against any injured workman, beneficiary or dependent under twenty-one years of age who may be without a parent or guardian. A guardian in either case may be appointed by any court of competent jurisdiction, in which event the period of limitation, as provided in Section 9 (a), shall begin

to run on the date of the appointment of such guardian, or when such minor arrives at the age of twenty-one years.

Sec. 10. (a) Where any employer procures any work to be done, wholly or in part, for him by a contractor other than an independent contractor, and the work so procured to be done is a part or process in the trade or business of such employer, then such contractor and the workmen employed by him shall be entitled to compensation under this Article to the same extent as if such work were done without the intervention of such contractor; and the work so procured to be done shall not be construed to be casual employment.

(b) Where any employer procures work to be done as specified in Section 10 (a), such contractor and his employes shall be presumed to have elected to come under the compensation provisions of this Article, if the same shall have been adopted by the employer, unless they shall have otherwise elected, as provided herein.

(c) Where any employer procures any work to be done, wholly or in part, for him by a contractor, where the work so procured to be done is casual employment as to such employer, then such contractor shall become the employer for the purpose of this Article.

(d) Where any employer procures any work to be done, payment for which is to be made in property other than money or its equivalent, and the value of which property is speculative or intangible, the wages of the employes receiving such compensation shall be determined by the Board in accordance with the going wages for the same or similar work in the district or locality where the same is to be performed.

Sec. 11. (a) If an injured employe dies, and the injury was the proximate cause of such death, then the beneficiary or the major or minor dependents of the deceased, as the case may be, shall receive the same compensation as though the death had occurred immediately following the injury, but the period during which the death benefit shall be paid shall be reduced by the period during or for which compensation was paid for the injury.

(b) If the employe shall die from some cause other than the injury, there shall be no liability for compensation after his death.

(c) The question as to who constitutes a beneficiary or a major or minor dependent shall be determined as of the date of the happening of the accident to the employe, whether death shall immediately result therefrom or not.

Sec. 12. (a) Whenever in case of injury the right to compensation under this Article would exist in favor of any employe, he shall upon the written request of his employer, submit from time to time to examination by a physician, who shall be provided and paid for by such

employer, and shall likewise submit to examination from time to time by any physician selected by the Board or any member or examiner or referee thereof.

(b) The request or order for such examination shall fix a time and place therefor, due regard being had to the convenience of the employe, and his physical condition and ability to attend at the time and place fixed. The employe shall be entitled to have a physician, provided and paid for by himself, present at any such examination. So long as the employe, after such written request, shall fail or refuse to submit to such an examination, or shall in any way obstruct the same, his right to compensation shall be suspended. Any physician employed by the employer or the Board who shall make or be present at any such examination may be required to testify as to the results thereof.

Sec. 13. (a) The employer shall promptly provide for an injured employe such necessary medical, surgical or other attendance or treatment, nurse and hospital service, medicines, crutches, and apparatus as the case may require, during sixty days after the injury. If the employer fails to provide the same, the injured employe may do so at the expense of the employer. The employe shall not be entitled to recover of the employer any amount expended by him for such treatment or services, unless he shall have requested the employer to furnish the same and the employer shall have refused or neglected to do so. All fees and other charges for such treatment and services shall be subject to regulation by the Board, as provided in Section 13 (b), of this Article, and shall be limited to such charges as prevail in the same community for similar treatment of injured persons of a like standard of living.

(b) The employer shall be reimbursed out of the Industrial Accident Fund for services or treatment rendered or supplies furnished pursuant to Section 13 (a), of this Article but no claim for such reimbursement shall be enforceable unless approved by the Board. If so approved, such claim or claims shall be paid in the manner fixed by the Board.

Sec. 14. Nothing in this Article shall be construed as preventing employers and workmen from waiving the provisions of Section 13 (a) of this Article, and entering into mutual contracts or agreements providing for medical attention or hospital benefits and accommodations to be furnished to the employe.

Sec. 15. (a) Where the employer of the injured employe has become bound by and subject to the compensation provisions of this Article, the Industrial Accident Fund hereinafter provided for shall be liable for the payment of compensation in the manner and to the extent hereinafter provided to an employe who is subject to the compensation provisions of this Article, and who shall receive an injury arising

out of and in the course of his employment, or, in the case of his death from such injury, to his beneficiaries, if any, or, if none, to his major dependents, if any, or, if none, to his minor dependents, if any.

(b) Except as otherwise provided in this Article, the daily wages of the injured employe, at the time of the injury, shall be taken as the basis upon which to compute compensation or death benefits.

(c) For an injury producing total disability, sixty-six and two-thirds per centum of the daily wages at the time of the injury shall be paid during the period of such disability except as provided in Section 15 (g) of this Article.

(d) For an injury producing partial disability except in particular cases mentioned in Section 15 (i) of this Article, sixty-six and two-thirds per centum of the difference between the daily wages at the time of the injury and his daily earning capacity thereafter in the same employment or otherwise, shall be paid during the period of such disability, subject, however, to reconsideration of the degree of such impairment, by the Board on its own motion, or on application of any party interested.

(e) Where the injury causes death, sixty-six and two-thirds per centum of the daily wage at the time of the injury shall be paid to his beneficiary, if any, or, if none, then fifty per centum of the daily wages at the time of the injury shall be paid to his major dependents, if any, or, if none, then forty per centum of the daily wages at the time of the injury shall be paid to his minor dependents, if any, such payments in either case to be made for a period of nineteen hundred days but in no case to be less than three thousand dollars or more than eight thousand dollars

(f) There shall be paid, in addition to other compensation, if death occurs within six months of the happening of the injury and as a result thereof, the reasonable burial expenses of the employe, not exceeding one hundred and twenty-five dollars. If the employe leaves no beneficiaries or major or minor dependents, this shall be the only compensation.

(g) Except as required by the provisions of Section 13 (a) of this Article, no compensation shall be paid for any injury unless the period of disability resulting therefrom exceeds seven days.

(h) Compensation due to beneficiaries shall be paid to the surviving spouse, if any, until his or her remarriage, or, if there be no surviving spouse, or if the surviving spouse remarry, then such compensation shall be divided equally among or for the benefit of the children.

Compensation due to major dependents, where there be more than one, shall be divided equally among them.

(i) In case of the following specified injuries, the compensation, in lieu of any other compensation provided in this Article other than that provided in Section 13 (a), shall be sixty-six and two-thirds per centum of the daily wages at the time of the injury, and shall be paid for the following periods:

For the loss of:

One arm above the elbow.....	1850 days
One hand or the arm between wrist and elbow.....	1480 days
One thumb and the metacarpal bone thereof.....	360 days
One thumb at the proximal joint.....	270 days
One thumb at the second distal joint.....	180 days
One first finger and the metacarpal bone thereof.....	270 days
One first finger at the proximal joint.....	180 days
One first finger at the second joint.....	135 days
One first finger at the distal joint.....	90 days
One second finger and the metacarpal bone thereof.....	270 days
One second finger at the proximal joint.....	135 days
One second finger at the second joint.....	90 days
One second finger at the distal joint.....	45 days
One third finger and the metacarpal bone thereof.....	180 days
One third finger at the proximal joint.....	108 days
One third finger at the second joint.....	72 days
One third finger at the distal joint.....	36 days
One fourth finger and the metacarpal bone thereof.....	108 days
One fourth finger at the proximal joint.....	81 days
One fourth finger at the second joint.....	54 days
One fourth finger at the distal joint.....	27 days
One leg above the knee.....	1740 days
One foot or the leg between ankle and knee.....	1250 days
One great toe with metatarsal bone thereof.....	270 days
One great toe at the proximal joint	135 days
One great toe at the second joint.....	90 days
One toe other than the great toe with the metatarsal bone thereof	108 days
One toe other than the great toe at proximal joint.....	54 days
One toe other than the great toe at second or distal joint.....	27 days
One eye by enucleation.....	780 days
Total blindness of one eye.....	700 days

The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or any two thereof, in the absence of conclusive proof to the contrary, shall constitute total disability. For facial or other permanent disfigurement, the Board may allow such compensation as it may

decem just, not exceeding sixty-six and two-thirds per centum of the daily wages for a period not exceeding six hundred days.

(j) For the purpose of Section 15 (i), the complete paralysis of an arm, hand, foot, or leg shall be considered the loss of such member. For the purpose of Section 15 (i), the complete paralysis of both arms, both hands, both feet or both legs, or any two of them, shall be considered the loss of such members.

(k) A workman, in order to be entitled to compensation for hernia, must clearly prove; (1) that the hernia is of recent origin, (2) that its appearance was accompanied by pain, (3) that it was immediately preceded by some accidental strain suffered in the course of employment, and, (4) that it did not exist prior to the date of the alleged injury. If a workman, after establishing his right to compensation for hernia as above provided, elects to be operated upon, a special fee of not to exceed one hundred dollars shall be paid by the Board. In case such workman elects not to be operated upon, and the hernia becomes strangulated in the future, the results from such strangulation will not be compensated.

(l) Should a further accident occur to a workman who is already receiving compensation hereunder, or who has been previously the recipient of a payment or payments of compensation under this Article, his further compensation shall be adjusted according to the other provisions of this Article, and with regard to the combined effects of his injuries and his past receipt of compensation.

(m) If aggravation, diminution or termination of disability takes place, or be discovered, after the rate of compensation shall have been established, or compensation terminated in any case where the maximum payments for disabilities as provided in this Article have not been reached, such changes may be adjusted for future application of compensation in accordance with the provisions hereof, or, in a proper case, terminate the payments. In case of aggravation of any disease existing prior to any injury, compensation shall be allowed for such proportion of the disability due to aggravation of such prior disease as may reasonably be attributed to the injury.

(n) All payments of compensation, as provided in this Article, shall be made semi-monthly, except as otherwise provided herein.

(o) The semi-monthly payments provided for in this Article may be converted, in whole, or in part, into a lump-sum payment, which lump-sum payment shall not exceed the estimated value of the present worth of the deferred payments capitalized at the rate of five per centum per annum. Such conversion can only be made upon the written application of the injured workman, his beneficiary, or major or minor dependents, as the case may be, and shall rest in the discretion of the

Board, both as to the amount of such lump-sum payment and as to the advisability of such conversion.

Sec. 16. (a) No payment of compensation due under this article shall be assignable, subject to attachment or garnishment, or be held liable in any way for any debts.

(b) In case of bankruptcy, insolvency, liquidation, or the failure of an employer to meet any obligations imposed by this Article, every liability which may be due under this Article shall constitute a first lien upon any deposit made by any such employer, and if such deposit shall not be sufficient to secure the payment of such liability in the manner and at the times provided for in this Article, the deficiency shall be a lien upon the property of such employer within this State, and shall be pro-rated with other lienable claims, and shall have preference over the claim of any creditor or creditors of such employer except the claims of other lienors.

(c) Except as provided in Section 14 of this Article, no agreement by an employe to waive any rights under this Article for an injury to be received shall be valid.

(d) Any employer who shall wilfully misrepresent to the Board the amount of a payroll upon which the premiums or assessments to be levied, as elsewhere provided in this Article, are based, shall be liable to the State in ten times the amount of difference between the amount paid and the amount which should have been paid. Such liability may be recovered in a civil action brought in the name of the State. All sums collected under this Section shall be paid into the fund to which the original payments were or should have been credited.

(e) No claims to recover compensation under this Article for injuries not resulting in death shall be maintained, unless, within sixty days after the occurrence of the accident which is claimed to have caused the injury, notice in writing, stating the name and address of the person injured, the time and place where the accident occurred, and the nature of the injury, and signed by the person injured, or someone in his behalf, shall be served upon the employer: Provided, however, that actual knowledge of such accident and injury on the part of such employer or his managing agent or superintendent in charge of the work upon which the injured employe was engaged at the time of the injury shall be equivalent to such service.

(f) Every employer who elects to come under the compensation provisions of this Article is hereby required to file with the Board, under such rules and regulations as the Board may from time to time make, a full and complete report of every accident to an employe arising out of or in the course of his employment, and resulting in loss of life or injury to such person. Such reports shall be furnished to the

Board in such form and such detail as the Board shall from time to time prescribe, and shall make specific answer to all questions required by the Board under its rules and regulations, except, in case he is unable to answer any such questions, a good and sufficient reason shall be given for such failure.

(g) No information furnished to the Board by an employer shall be open to public inspection, or to be made public, except on order of the Board, or by the Board, or a member of the Board, in the course of a hearing or proceeding. Any officer or employe of the Board who, in violation of the provisions of this Section, divulges any information shall be guilty of a misdemeanor.

(h) Whenever it is necessary to estimate the sum of money to be set aside as a reserve in any case, the American Experience Table of Mortality shall be used.

(i) It shall be unlawful for the employer to deduct or obtain any part of any premium required to be paid by this Article* from the wages or earnings of his workmen, or any of them, and the making or attempt to make any such deduction shall be a misdemeanor, except that nothing in this Section shall be construed as prohibiting payments or deductions for medical attention or hospital benefits and accommodations under a contract or agreement as provided in Section 14 of this Article.

Sec. 17. (a) All hearings and investigations before the Board, or any member thereof, shall be governed by this Article, and by rules of practice and procedure to be adopted by the Board, and in the conduct thereof neither the Board nor any member shall be bound by the technical rules of evidence. No informality in any proceedings or in the manner of taking testimony shall invalidate any order, decision, award, rule or regulation made, approved or confirmed by the Board.

(b) The Board, or any member thereof, or any party to the action or proceeding may, in any investigation or hearing before the Board, cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions in the Superior courts of this State, and to that end may compel the attendance of witnesses and the production of books, documents, papers and accounts.

(c) The Board is hereby vested with full power, authority, and jurisdiction to do and perform any and all things, whether herein specifically designated or in addition thereto, which are necessary or convenient in the exercise of any power, authority, or jurisdiction conferred upon it under this Article.

(d) The Board and each member thereof shall have power to

issue writs of summons, warrants of attachment, warrants of commitment, and all necessary process in proceedings for contempt in like manner and to the same extent as courts of record. The process issued by the Board, or any member thereof, shall extend to all parts of the State and may be served by any person authorized to serve process of courts of record, or by any person designated for that purpose by the Board, or any member thereof.

The person executing any such process shall receive such compensation as may be allowed by the Board, not to exceed the fees now prescribed by law for similar service and such fees shall be paid in the same manner as provided herein for fees of witnesses.

(e) The Board and each member thereof, its Secretary and referees, shall have the power to administer oaths, certify to all official acts, and to issue subpoenas for the attendance of witnesses, and the production of papers, books, accounts, documents, and testimony in any inquiry, investigation, hearing or proceeding in any part of the State. Each witness who shall appear by order of the Board, or any member thereof, shall be entitled to receive, if demanded, for his attendance the same fees and mileage allowed by law to a witness in civil cases in the Superior court, which amount shall be paid by the party at whose request such witness is subpoenaed, unless otherwise ordered by the Board. When any witness who has not been required to attend at the request of any party is subpoenaed by the Board his fees and mileage may be paid from the funds appropriated for the use of the Board in the same manner as other expenses of the Board are paid. Any witness subpoenaed, except one whose fees and mileage may be paid from the funds of the Board, may at the time of service demand the fee to which he is entitled for travel to and from the place at which he is required to appear, and one day's attendance. If such witness demands such fees at the time of service and they are not at that time paid or tendered, he shall not be required to attend before the Board, or a member thereof, or referee, as directed in the subpoena.

(f) The Superior court in and for the county in which any inquiry, investigation, hearing, or proceeding may be held by the Board, or any member thereof, shall have the power to compel the attendance of witnesses, the giving of testimony, and the production of papers, books, accounts, and documents as required by any subpoena issued by the Board or any member thereof. The Board, or any member thereof, before whom the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by such subpoena, may report to the Superior court in and for the county, in which the proceeding is pending, by petition, setting forth that due notice has been given of the time and place fixed for the attendance of said witness or the production of said papers, and that the

witness has been summoned in the manner prescribed in this Article, and that the witness has failed and refused to attend, or produce the papers required by the subpoena before the Board, or any member thereof, in the case or proceeding named in the notice and subpoena, or has refused to answer questions propounded to him in the course of such proceedings, and ask an order of said court compelling the said witness to attend and testify or produce said papers before the Board. The Court, under the petition of the Board, or any member of the Board, shall enter an order directing the witness to appear before the court at the time and place to be fixed by the court in such order not more than ten days from the date of the order, and then and there show cause why he had not attended or testified or produced such papers before the Board. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the Board or a member thereof, and regularly served, the court shall thereupon enter an order that said witness appear at the time and place fixed in said order and testify or produce the required papers, and upon failure to obey said order, said witness shall be dealt with as for contempt of court. The remedy provided in this Section is cumulative and shall not be construed to impair or interfere with the power of the Board, or a member thereof, to enforce the attendance of witnesses and the production of papers and to punish for contempt in the same manner and to the same extent as courts of record.

(g) Copies of official documents and orders filed or deposited according to law in the office of the Board, certified by a member of the Board or by the Secretary under the official seal of the Board to be true copies of the original, shall be evidence in like manner as the originals.

(h) The costs and disbursements, incurred in any proceeding or hearing before the Board, or a member thereof, may be apportioned between the parties on the same or adverse sides in the discretion of the Board.

Sec. 18. The books, records and payrolls of any employer who shall elect to come under the compensation provisions of this Article shall, in so far as they may be pertinent to the administration of this Article, be open to inspection by the Board or any duly authorized employe thereof, for the purpose of ascertaining the correctness of the payroll, the number of men employed, and such other information as may be necessary for the Board and its management under this article. Refusal on the part of the employer to submit said books, records and payrolls for such inspection shall subject the offending employer to a penalty of one hundred dollars for each offense, to be collected by civil action in the name of the State, and paid into the State Treasury.

Sec. 19 (a) All proceedings to determine disputes or controversies arising under this Article shall be instituted before the Board and not elsewhere, and heard and determined by them, except as otherwise in this Article provided, and the Board is hereby vested with full power, authority and jurisdiction to try and finally determine all such matters, subject only to review in the manner and within the time in this Article provided.

(b) All orders, rules and regulations, findings, decisions and awards of the Board in conformity with law shall be in force and shall be prima facie lawful; and all such orders, rules and regulations, findings, decisions and awards shall be conclusively presumed to be reasonable and lawful, until and unless they are modified or set aside by the Board or upon review.

(c) After a final hearing by the Board it shall, within thirty days, make and file its findings upon all facts involved in the controversy and its award, which shall state its determination as to the right of the parties.

(d) The Board in its award shall fix and determine the amount of compensation to be paid, and order payment thereof in the same manner as in case of undisputed awards.

(e) If in any proceeding it is proved that an accident has happened for which the employe would be entitled to compensation if disability has resulted, but it is not proved that any disability has resulted, the Board shall dismiss the application, but without prejudice to the right of the employe to make further application for compensation, in case disability should result from such accident at a future time.

(f) The Board shall have continuing jurisdiction over all its orders, decisions and awards, and may at any time, upon notice and after opportunity to be heard is given to the parties in interest, rescind alter or amend any such order, decision or award made by it upon good cause appearing therefor. Any order, decision or award rescinding, altering or amending a prior order, decision or award shall have the same effect as the original order or award.

(g) A full and complete record shall be kept of all proceedings and hearings had before the Board, or any member thereof, of any formal hearing had, and all testimony produced before the Board, or any member thereof, shall be taken down by a stenographic reporter appointed by the Board, and the parties shall be entitled to be heard in person or by attorney. In cases of an action to review any order or decision of the Board, a transcript of such testimony, together with all exhibits, and of the pleadings, records and proceedings in the cause shall constitute the record of the Board.

(h) No orders or decisions of the Board shall be subject to collateral attack, and may be reviewed or modified only in the manner provided herein.

Sec. 20. (a) At any time within twenty days after the service of any order or decision of the Board any party or parties aggrieved thereby may apply for a rehearing upon one or more of the following grounds and upon no other grounds:

1. That the Board acted without or in excess of its powers.
2. That the order, decision or award was procured by fraud.
3. That the evidence does not justify the findings.
4. That the applicant has discovered new evidence, material to him, and which he could not, with reasonable diligence, have discovered and produced at the hearing.
5. That the findings do not support the order, decision or award.
6. That the order, decision or award is unreasonable.

(b) Nothing contained in Section 20 (a) shall, however, be construed to limit the right of the Board, at any time, after the date of its award, and from time to time after due notice and upon the application of any party interested, to review, diminish or increase within the limits provided by this Article any compensation awarded upon the grounds that the disability of the person in whose favor award was made has either increased or diminished or terminated.

(c) The application for rehearing shall set forth specifically, and in full detail the grounds upon which the applicant considers said order, decision, award, rule or regulation to be unjust or unlawful and shall in other respects conform to such rules and regulations as the Board may prescribe.

(d) The Board shall have full power and authority to make and prescribe rules to govern the procedure upon rehearing, and any matters before it and any order made after such rehearing abrogating or changing the original order shall have the same force and effect as an original order, and shall not affect any right or enforcement of any right arising from or by virtue of the original order.

(e) An application for rehearing on the appeal hereinafter provided shall not excuse any employer, employe or other person from complying with or obeying any order or requirement of the Board or operate in any manner to stay or postpone the enforcement of any order or requirement thereof, except as the Board or the court may direct.

Sec. 21. (a) Within thirty days after the application for a rehearing is denied, or, if the application is granted, within thirty days

after the rendition of the decision on the rehearing, and within twenty days after notice thereof, any party affected thereby may appeal to the Superior court of the County in the State of Arizona, wherein the employer may have his place of residence, or if such employer be a corporation may have its principal office or place of business, or if said appeal be prosecuted by an injured workman or his dependents, such appeal may be taken to the Superior court of the county within which such workman was injured, which said appeal shall be for the purpose of having the lawfulness or reasonableness of the original order, decision or award, or the order, decision or award on rehearing, inquired into and determined.

(b) Said appeal shall be taken by serving a written notice of said appeal upon the Chairman of such Industrial Accident Board, or upon any member thereof, which said service shall be made by the delivery of a copy of such notice to such Chairman or member, and filing the original with the clerk of the court to which said appeal is taken. A copy of such notice must also be served upon the adverse party, if there be any, by mailing the same to said adverse party to such address of such party as said party shall have left with the Board. If such party shall have left no address with the Board, then no service upon said party shall be required. The order of filing and service of said notice is immaterial. Immediately upon service upon said Board of said notice the said Board shall certify to said Superior Court the entire record and proceedings, including all testimony and evidence taken by said Board, with the Clerk of said Superior Court.

Immediately upon the return of such certified record the Superior Court shall fix a date for the hearing of said cause, and shall cause notice to be served upon the Board, and upon the appellant, and also upon the adverse party, if there be any. The court may upon the hearing, for good cause shown, permit additional evidence to be introduced, but in the absence of such permission from the court the cause shall be heard on the record of the Board as certified to the court by it. The trial of the matter shall be de novo, and upon such trial the court shall determine whether or not the Board regularly pursued its authority, and whether or not the findings of the Board ought to be sustained, and whether or not such findings are reasonable under all the circumstances of the cause.

(c) The Board and each party to the action of proceeding before the Board shall have the right to appear in the proceeding, and it shall be the duty of the Board to so appear. If the court shall find from such trial as aforesaid that the findings and conclusions of the Board are not in accordance with either the facts or the law, or that they ought to be other or different than those made by the Board, or that any finding and conclusion or any order, rule or requirement of

the Board is unreasonable, the court shall set aside such finding, conclusion, order, judgment, decree, rule or requirement of said Board, or shall modify or change the same as law and justice shall require, and the court shall also make and enter any finding, conclusion, order or judgment that shall be required or shall be legal and proper in the premises.

(d) Either the Board or the appellant or any adverse party, if there be one, may appeal to the Supreme court of the State of Arizona from any final order, judgment or decree of said Superior court, which said appeal shall be taken in like manner as appeals are now taken in other civil actions to the said Supreme court, and upon such appeal the said Supreme court shall make such orders in reference to a stay of proceedings as it finds to be just in the premises, and may stay the operation of any order, judgment or decree of said Superior court without requiring any bond or undertaking from the applicant for such stay. When any such cause is so appealed it shall have precedence upon the calendar of the said Supreme court, and shall be heard and determined by said Supreme court upon the record made in said Superior court and before said Board, and judgment and decree shall be entered therein as expeditiously as possible.

Sec. 22. (a) The Legislature of the State of Arizona shall from time to time appropriate such sums as may be necessary to pay the salaries, traveling and office expenses of the Board and all other expenses incident to the administration of this Article and to the carrying out of its provisions, and the State Auditor shall, on the order or orders of the Industrial Accident Board, draw warrants on the general fund for the sums so appropriated which warrants shall be paid by the State Treasurer out of the general fund, and until and unless the Legislature makes appropriation or appropriations as above provided the Auditor shall, on orders issued by the Industrial Accident Board, draw warrants on the general fund for all sums which the said Board may deem necessary to carry out the provisions of this Article and to put and keep it in full force and effect, which warrants shall be paid by the State Treasurer out of the general fund.

(b) All compensation provided for in this Article shall be paid out of the Industrial Accident Fund provided for in this Article.

Sec. 23. (a) Whenever this Article, or any part or Section thereof, is interpreted by a court, it shall be liberally construed by such court.

(b) If any Section, subsection, subdivision, sentence, clause, paragraph or phrase of this Article is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of this Article, so long as sufficient remains of the Article

to render the same operative and reasonably effective for carrying out the main purpose and intention thereof.

(c) The moneys coming into the Industrial Accident Fund shall be held in trust for the purpose for which such fund is created, and if this Article shall be hereafter abrogated, such moneys shall be subject to such disposition as may be provided therefor by law.

(d) This Article shall not affect any action pending or any cause of action existing on the 31st day of December, 1918.

Sec. 24. The Board shall, not later than the first day of April of each year, make a report to the Governor covering its entire operations and proceedings for the preceding calendar year, with such suggestions or recommendations as it may deem of value for public information. A reasonable number of copies of such report shall be printed for general distribution.

Sec. 25. (a) There is hereby created a fund to be known as the "Industrial Accident Fund" for the purpose of assuring to the persons entitled thereto the compensation provided by this Article. Such fund shall consist of all premiums received and paid into the fund, all property and securities acquired by and through the use of moneys belonging to the fund, all interest earned upon moneys belonging to the fund and deposited or invested as in this Article provided, and all other moneys and property acquired by the fund in any way. Such fund shall be administered by the Board, without liability on the part of the State beyond the amount of such fund.

(b) The Treasurer of the Board shall be the custodian of the Industrial Accident Fund, and all disbursements therefrom shall be paid by him upon vouchers authorized by the Board and signed by any two members thereof. The Treasurer of the Board may deposit any portion of said fund, not needed for immediate use, in the manner and subject to all the provisions of law respecting the deposit of other state funds.

Sec. 26. (a) Every employer who shall have elected to become subject to and bound by the compensation provisions of this Article shall, in the manner and at the times hereinafter specified, pay into the Industrial Accident Fund an annual premium which shall be a sum equal to the percentage of his total annual payroll specified in this Section.

All such employers are classified in this Section, according to the respective industries, trades, works, and occupations carried on by them. Said classes and the percentage of their total annual payrolls to be paid as premiums by employers belonging to said classes are as follows:

Class one—Broom or brush manufacturing, without sawmill; theatre stage employes; moving picture operators; electrotyping; engraving; lithographing; photo-engraving; stereotyping; embossing; book-binding; printing; jewelry manufacturing not otherwise specified; sixty-five one-hundredths of one per centum.

Class two—Cloth, textile, and wool manufacturing, not otherwise specified; wharf employes, other than stevedores and longshoremen; eight-tenths of one per centum.

Class three—Manufacturing, drugs, other than ammonia, candy, crackers, saddles, harness, leather novelties, mattresses, not including spring or wire, paint, varnish, wagons, buggies, carriages, sleighs, cutters; operation of tugs and steamboats; manufacturing roofing paper and articles of paper not otherwise specified; paper boxes; automobiles; motor trucks; hardware; working in rubber, not otherwise specified; manufacturing boots and shoes; manufacturing articles of and working in leather not otherwise specified; one and three-tenths per centum.

Class four—Manufacturing cheese, condensed milk; operating creameries, manufacturing spices and condiments; paper hanging; kalsomining; white-washing; making willow baskets; setting tiles, mantels and marble works, inside work only; making grease, lard, soap, tallow; inside plumbing work; installing heating systems; painting and decorating, inside work only; metal ceiling work; one and four-tenths per centum.

Class five—Manufacturing glass, operating bottling works, grain warehouses, grain elevators; manufacturing articles of brass, copper, lead and zinc; operating machine shops, not otherwise specified; lathing, plastering; canneries of meat, vegetables or fish, not including can manufacturing; cutting stone or paving blocks, other than in quarries, with or without machinery; installing electrical apparatus inside; installing fire alarm apparatus inside; covering boilers or steam pipes, concrete laying in floors, street paving, or sidewalks, not otherwise specified; laying asphalt and other paving not otherwise specified; including shop and yard; manufacturing canoes and row boats; well drilling, constructing and repairing of paving of bricks or blocks; carpenters not otherwise specified; one and five-tenths per centum.

Class six—Operating of laundries with power, dyeing, bleaching and cleaning works; manufacturing of furniture, show cases, office and store furniture and fixtures; cabinet making; manufacturing of wire mattresses, bed springs, wooden coffins, caskets, rough wood in boxes for coffins; building hot-houses, working in foodstuffs, fruits, edible oils or vegetables, not otherwise classified; operating flour mills, chop mills, feed mills; one and six-tenths per centum.

Class seven—Manufacturing wood fibre ware; installing automatic sprinklers or ventilating systems; setting glass; erecting fire-proof doors and shutters inside of buildings; operating tanneries, sugar factories; beveling glass, manufacturing peat fuel; building wooden stairs; manufacturing brick, including kilns and buildings and digging in pits, briquettes; brooms with sawmills; manufacturing earthenware, fire clay, porcelain ware, pottery, tile, terra cotta; brush making with sawmills; one and eight-tenths per centum.

Class eight—Manufacturing of ammonia; operating waterworks, gas works; grading, either of streets or otherwise, or road making, without blasting; construction of plank roads, plank streets or plank sidewalks; operating creosoting works, pile treating works, treating ties or other timber products; plumbing, both at and away from the shop, including house connections, without blasting; construction of waterworks, gas works and coke oven, including laying of mains and connections, without blasting; one and nine-tenths per centum.

Class nine—Manufacturing artificial ice; operating refrigerator plants, cold storage plants, foundries, packing houses, including slaughtering; manufacturing agricultural implements, threshing machinery, traction engines, harvesting machinery, manufacturing asphalt; operating steam heating and power plants; manufacturing gas or gasoline engines; operating ferries; stone crushing, not at quarries, boat or ship building, other than canoes or row boats, without scaffolds; laying hot flooring composition, not otherwise specified; operating stockyards; two per centum.

Class ten—Operating paper mills, pulp mills; long shoring; stevedoring; manufacturing fertilizers; operating garbage works; incinerators, crematories, lime kilns or burners; installing boilers, steam engines, dynamos, machinery, not otherwise specified; putting up belts for machinery; manufacturing barrels, kegs, pails, staves, tubs, excelsior, veneer, packing cases, sash, doors and blinds; operating and maintenance of interurban railways without third rail; concentrating and amalgamating of ores; two and two-tenths per centum.

Class eleven—Millwrighting, not otherwise specified; manufacturing building material, not otherwise specified; working in building material, not otherwise specified; two and one-quarter per centum.

Class twelve—Operating of smelters; manufacturing of metallic coffins; manufacturing of iron and steel; boat or ship rigging; planing mills, independent; cement manufacturing; operating blast furnaces; two and three-tenths per centum.

Class thirteen—Street or road making, with blasting; manufacturing wood baskets, window and door screens, cordage and rope; manu-

facturing and refining oils; placing wires in conduits; two and four-tenths per centum.

Class fourteen—Operation of and work in mines other than coal; operating gravel bunkers; operating gravel pits; hauling gravel; operating wood saws; operating sawmills, lath mills, bridgework factories; woodworking, not otherwise specified; operating boiler works; making steam shovels; boilers; shipwrighting; painting, exterior work; operating boiler works; two and five-tenths per centum.

Class fifteen—Operating rolling mills, manufacturing tanks, not otherwise specified; erecting and repairing advertising signs; harvesting and storing of ice, including loading on cars; making and repairing of locomotives and railroad cars; cutting stone at stone yards connected with quarries; boat or ship building with scaffolds; logging operations, with or without machinery; booming or driving logs, ties, or other timber products; operating shingle mills; operating quarries; two and three-quarter per centum.

Class sixteen—Operating dredges; construction of telephone and telegraph systems; construction of dams and reservoirs, electric light and power plants, waterworks, and water systems; installing furnaces; constructing blast furnaces; sewer building, maximum depth of excavation at any point seven feet; operation and maintenance of steam railways, including logging railways; operating coal mines; three per centum.

Class seventeen—Operating dry docks, including floating dry docks; ornamental metal work within buildings; electric railway construction, without rock work or blasting; railroad construction, including street and cable railways, without rock work or blasting; building canals, without rock work or blasting; installing freight or passenger elevators; operation of telephone and telegraph systems; making dredges; constructing dry docks; three and one-quarter per centum.

Class eighteen—Constructing grain elevators, not metal framed; stump pulling with donkey engines; steam, electric, and cable railway construction, with rock work or blasting; operation and maintenance of electric railways using third rail, and street railways, all systems, including electric and cable; operation and maintenance of electric light and power plants, including transmission systems and extensions of lines; electric systems not otherwise specified; three and one-half per centum.

Class nineteen—Pile driving; operating galvanized iron or tin works; marble works; fire proofing of buildings by means of wire

netting and concreting; cellar excavation, with or without blasting; three and three-quarters per centum.

Class twenty—Constructing breakwaters, marine railways and jetties; installation and repair of electrical apparatus, not otherwise specified, outside work only; stamping of metal or tin; building trestles and tunnels other than mining; shaft sinking, not otherwise specified; four per centum.

Class twenty-one—Moving safes, boilers, machinery; construction of tanks, water towers, windmills, not metal frame; plumbers making house connections with blasting; roof work; slate work; stone work; stone setting; brick work construction, not otherwise specified; construction of canals with rock work or blasting; bridge building, wooden; construction of floating docks; construction of industrial plant chimneys of metal or concrete; four and one-half per centum.

Class twenty-two—Excavations, not otherwise specified; laying of mains and connections, with blasting; sewer buildings, where maximum depth of excavation at any point exceeds seven feet; blasting, not otherwise specified; manufacturing fireworks; five per centum.

Class twenty-three—Erecting fire escapes, fireproof doors and shutters outside of buildings; building concrete structures, not otherwise specified; concrete or cement work not otherwise specified; six per centum.

Class twenty-four—Constructing iron or steel frame structures or parts; constructing and repairing steel frames and structures; subaqueous work; caisson works; six and one-half per centum.

Class twenty-five—House moving, house wrecking; construction or repair of steeples; construction of brick chimneys; six and three-quarters per centum.

Class twenty-six—Manufacturing powder, dynamite, and other explosives, not otherwise specified; ten per centum.

Class twenty-seven—Any employer and his employes engaged in non-hazardous work or employment, by their joint election, filed with and approved by the Board, may accept the Compensation provisions of this Article. In such event such employer and employes shall be known as Class twenty-seven, the rate of assessment in which shall be one-half of one per centum.

(b) If a single establishment or work comprises several occupations listed in Section 26 (a) in different classifications, the assessment shall be computed according to the payroll of each occupation if clearly

separable, otherwise an average rate of assessment shall be charged for the entire establishment, taking into consideration the number of employes and the relative hazard.

(c) The Classification of hazardous occupations in Section 26 (a) and the rates of premium or assessment therein fixed are advisory only, and the Board is hereby given full power and authority to rearrange, revise, add to, take from, change, modify, increase, or decrease any classification or rate named in Section 26 (a) as in its judgment or experience may be necessary or expedient: Provided, That no change in the classification or rates prescribed in Section 26 (a) shall be made effective prior to the end of the first calendar year, and thereafter any changes so made shall not become effective until sixty days after the date of the order or decision of the Board making such change except that in case of new industries, or industries not enumerated in Section 26 (a), the Board shall have the right to make an immediate classification thereof and establish a rate therefor.

(d) It is the intent and purpose of this Article that each industry, trade, occupation and employment, coming under the compensation provisions of this Article shall be liable and pay for all injuries happening to employes coming under said compensation provisions, and that all premiums collected, as herein provided, shall be paid into the Industrial Accident Fund, which fund, except as otherwise provided in this Article, shall be devoted exclusively to the payment of all valid claims for injuries happening in the industries, trades, occupations and employments coming under the compensation provisions of this Article: provided that accounts shall be kept with each industry, trade, occupation and employment in accordance with the foregoing classifications, or otherwise as the Board may direct, both as to receipts and disbursements for the purpose of providing information and statistics necessary for determining any changes in such rates or classifications.

(e) There shall be collected from all classes as initial payments into the Industrial Accident Fund, on or before the twentieth day of January, 1919, one-fourth of the premium or assessment for that calendar year, and one-twelfth thereof at the first of each month beginning with the first of April, 1919; after the year 1919 one-twelfth of the required percentage of the total annual payroll for the preceding year shall be paid at the beginning of each month.

(f) The initial payment shall be based upon the amount of the payroll for the months of October, November and December, 1918. At the end of each calendar year an adjustment of the account shall be made upon the basis of the actual payroll, and any shortage shall be made good. Provided that if such fund shall have a sufficient balance

on hand at the end of the first three months, or any month thereafter, to meet the requirements of the Industrial Accident Fund, no assessments shall be called for such month within thirty days thereafter. Every employer who shall enter into business at any intermediate day shall make his payments in the same manner and upon the same basis before commencing operations; the amount of such payments shall be calculated upon his estimated payroll, and an adjustment shall be made on or before February first in the year following in the manner above provided.

(g) Any employer who is in default in the observance of any order of the Board, issued pursuant to the provisions of Section 26 (a) to 26 (f), inclusive, shall, in addition to any other penalty provided by this Article, be charged an advance of twenty-five per centum over the established rate, and such advanced rate shall continue and be in force until such employer shall have ceased to be in default.

(h) Any change in classification of risks or premium rates, or any change caused by change in the class of work, occurring during the calendar year, shall be equalized by the Board within thirty days after the end of such year in proportion to its duration in accordance with the schedules provided in this Article.

(i) If at the end of any year it shall be seen that the contribution to the Industrial Accident Fund by any class of industry has been less than the drain upon such fund on account of that class, the deficiency shall be made good to the fund on the first day of February of the following year by the employers of that class in proportion to their respective payments for the previous year.

(j) Ten per centum of the premium collected from employers, as hereinabove provided, shall be set aside by the Board for the creation of a surplus until such surplus shall amount to the sum of one hundred thousand dollars, and thereafter five per centum of such premiums shall be so set aside until such time as, in the judgment of the Board, such surplus shall be sufficiently large to cover the catastrophe hazard, such surplus to be invested in the manner provided in Section 26 (l) of this Article.

(k) Upon the happening of an accident where death or the nature of the injury renders the amounts of future payments certain or reasonably certain, the Board shall forthwith cause the Treasurer of the Board to set apart out of the Industrial Accident Fund a sum of money to be calculated on the basis of the maximum sum required to pay the compensation accruing on account of such injury and which will meet such required payments. Out of such reserve and its earnings shall be paid the semi-monthly installments and any lump sum then or thereafter

arranged for the case. Any deficiency shall be made good out of, and any balance or overplus shall revert to the Industrial Accident Fund.

(l) The Treasurer of the Board, whenever the Board in its discretion shall so direct, shall invest such reserve in bonds of the United States, bonds of the State of Arizona, or bonds of any County, City, or School District in the State of Arizona, or any other security which may be approved by the Board.

(m) The Treasurer of the Board shall keep an accurate account of all such segregations of the Industrial Accident Fund, and upon direction of the Board shall divert from the main fund any sums necessary to meet the semi-monthly payments, pending the conversion into cash of any security, and in such case shall repay the same out of the cash realized from the security.

(n) If any employer shall default in any payment to the Industrial Accident Fund, the sum due may be collected by an action at law in the name of the State, and such right of action shall be cumulative.

(o) Where a workman is entitled to compensation under the compensation provisions of this Article, he shall file with the Board his application therefor, together with a certificate of the physician who attended him, and it shall be the duty of such physician to lend all necessary assistance in making application for compensation and such proof of other matters as may be required by the rules of the Board without charge to the workman.

(p) For a proper compliance with the provisions of the preceding Section the physician, after approval by the Board, shall be paid out of the Industrial Accident Fund one and one-half dollars for each case.

(q) Where death results from the injury, the parties entitled to compensation under this Article, or some one in their behalf, shall make application for the same to the Board. The application must be accompanied with proof of death and proof of relationship, showing the parties entitled to compensation, certificate of the attending physician, if any, and such other proof as may be required by the rules of the Board.

(r) In computing the payroll, the entire amount received by every workman employed in the hazardous occupations enumerated in this Article shall be included, whether it be in the form of salary, wage, piecework, overtime, or any allowance in the way of profit-sharing, premium or otherwise, and whether payable in money, board or otherwise: Provided, however, that in making such computation, there shall not be included any amount received by any workman who shall have

elected not to be bound by the compensation provisions of this Article.

(s) Disbursements out of the Industrial Accident Fund shall be made by the Treasurer of the Board as the Board may order.

(t) All earnings made by the Industrial Accident Fund by reason of interest paid for the deposit thereof, or otherwise, shall be credited to and become a part of said fund, and the making of profit, either directly or indirectly, by the Treasurer of the Board, or any other person, out of the use of the Accident Fund shall constitute felony, and on conviction thereof shall subject the person making such profit to imprisonment in the State Penitentiary for a term not exceeding two years or a fine not exceeding five thousand dollars, or both such fine and imprisonment, and the Treasurer of the Board shall be liable upon his official bond for all profits realized for any unlawful use of the said fund.

Sec. 27. Sections 7 and 8 of Article XVIII of the Constitution of the State of Arizona, and Chapters VI and VII of Title XIV of the Revised Statutes of Arizona, 1913, Civil Code, and any and all portions of the Constitution and laws of the State of Arizona in conflict with or inconsistent with this Article are hereby abrogated.

ARGUMENT

(Affirmative)

Submitted by

JOSEPH E. CURRY,

Secretary, Arizona Chapter American Mining Congress

and

FOLSOM MOORE,

Organizer, American Federation of Labor, District of Tucson.

In favor of the measure designated on the official ballots as follows:

PROPOSED AMENDMENT TO THE CONSTITUTION.

PROPOSED BY INITIATIVE PETITION.

AN ACT TO PROVIDE COMPENSATION FOR WORKMEN INJURED IN HAZARDOUS EMPLOYMENTS, AND FOR THEIR BENEFICIARIES AND DEPENDENTS WHERE DEATH RESULTS FROM SUCH INJURY; CREATING AN INDUSTRIAL ACCIDENT BOARD, DEFINING ITS POWERS AND DUTIES AND PROVIDING FOR A REVIEW OF ITS AWARDS; CREATING AN INDUSTRIAL ACCIDENT FUND, AND PROVIDING FOR THE ADMINISTRATION THEREOF; PRESCRIBING THE LIABILITY OF EMPLOYERS WHO DO NOT ELECT TO COME UNDER THE COMPENSATION PROVISIONS OF THIS ARTICLE; AND ABROGATING ALL LAWS AND CONSTITUTIONAL PROVISIONS IN CONFLICT HEREWITH.

If you favor the above law, vote YES; if opposed, vote NO.

100 Yes.

101 No.

ARGUMENT IN FAVOR OF AMENDMENT TO THE CONSTITUTION OF THE STATE OF ARIZONA.

To provide compensation for workmen injured in hazardous employments, and for their beneficiaries and dependents where death results from such injury; creating an Industrial Accident Board, defining its powers and duties and providing for a review of its awards; creating an Industrial Accident Fund, and providing for the administration thereof; prescribing the liability of employers who do not elect to come under the compensation provisions of this article; and abrogating all laws and constitutional provisions in conflict herewith.

No opposition to this much needed amendment will be pressed that will not be clearly traceable either to ignorance of the provisions of the law or to a sinister or ulterior motive. Consequently, no exhaustive argument for this amendment is necessary as it will stand solidly upon its merits alone.

(Signed) JOSEPH E. CURRY,
Sec'y, Arizona Chapter American Mining Congress.

(Signed) FOLSOM MOORE,
Organizer, American Federation of Labor, District of Tucson.

ARGUMENT

(Negative)

Submitted by

ARIZONA STATE FEDERATION OF LABOR.

In opposition to the measure designated on the official ballot as follows:

PROPOSED AMENDMENT TO THE CONSTITUTION.
PROPOSED BY INITIATIVE PETITION.

AN ACT TO PROVIDE COMPENSATION FOR WORKMEN INJURED IN HAZARDOUS EMPLOYMENTS, AND FOR THEIR BENEFICIARIES AND DEPENDENTS WHERE DEATH RESULTS FROM SUCH INJURY; CREATING AN INDUSTRIAL ACCIDENT BOARD DEFINING ITS POWERS AND DUTIES AND PROVIDING FOR A REVIEW OF ITS AWARDS; CREATING AN INDUSTRIAL ACCIDENT FUND, AND PROVIDING FOR THE ADMINISTRATION THEREOF; PRESCRIBING THE LIABILITY OF EMPLOYERS WHO DO NOT ELECT TO COME UNDER THE COMPENSATION PROVISIONS OF THIS ARTICLE; AND ABROGATING ALL LAWS AND CONSTITUTIONAL PROVISIONS IN CONFLICT HEREWITH.

If you favor the above law, vote YES; if opposed, vote NO.

100 Yes.

101 No.

OPPOSING ARGUMENT TO PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF ARIZONA, TO BE NUMBERED XXV AND KNOWN AS "THE WORKMEN'S COMPENSATION LAW."

Under the present laws an injured workman has recourse to three remedies—the common law, the present workmen's compensation law, and the employer's liability law—and he may elect which remedy he will use after injury. The present laws, while not perfect, are substantial bulwarks for the protection of workers injured while employed in industry, and have a salutary effect in making the employers, particularly in the mining industry, careful of the safety of their employees.

The proposed law will abrogate the present workmen's compensation law and employer's liability law, and will set up in their place a shrewdly worked profiteering and efficiency destroying provisions born and bred in the minds of certain unscrupulous Bisbee politicians and copperbundists.

To entitle a beneficiary to compensation dependency must be shown, and the vicious terms of this law is such that a woman working in industry whose husband is serving his country in France, would have no compensation paid for her death. The fact that no compensation would be paid except to actual dependents would result in the adoption of a policy by profiteering employers in the mining industry by which American workmen with families would be refused employment, while the alien, the migratory worker and the bum, would be employed because the class of industry in which he is killed would not be charged with compensation for his death, there being no actual dependents.

Under Section 15, (d) and (i) it is found that no adequate compensation is provided for such injuries as facial disfigurement, loss of a nose, breaking of a rib, leg or arm, or for sexual sterility. You are simply "patched up" and put back to work, without any other compensation.

The cost of maintaining hospitals, etc., in the mining camps will be charged against the State fund without the workers having a voice in their management.

The advocates of this vicious law say it will eliminate the fees of damage case lawyers. This may be true, but apparently the companies want to keep the fees themselves and not either pay them to the worker, or even divide. The amounts fixed in the law for compensation for injuries and death, are inadequate to an unjust degree. They are arbitrary and not based on either reason or experience.

The attempt at this time by profit-seeking corporations at Bisbee, who set themselves up to fix industrial standards for the people of

Arizona, to lower industrial standards which the people of Arizona have carefully built for years for the protection of workers, when so many of our workers are away from home in the shipyards, the military camps and the trenches of France, plainly brings such iniquitous practices within the purview of the just condemnation that the Council of National Defense and the Federal Government has been compelled to make against those who endeavor to take advantage of the present war to lower industrial standards.

The workers of Arizona are seeking no selfish and self-serving laws at this election and the people should not allow the corporations to profit from a condition that gives them an advantage under War conditions. Neither the State Federation of Labor, nor the American Federation of Labor were consulted in the drafting of this damnable law, and DO NOT APPROVE IT.

The workers will gain nothing from the repeal of existing laws and the substitution of the Bisbee "Workmen's Compensation Law," but on the other hand would destroy industrial standards that it would take years to regain.

We appeal to the fair-minded voters of Arizona to let well enough alone; let the poor, tired toilers keep their rights now enjoyed under existing laws. I urge all voters, men and women, to vote NO on this proposed law.

PRESERVE EXISTING RIGHTS, AND A TRIAL BY JURY.

(Signed) THOMAS J. CROAFF,
President, Arizona State Federation of Labor, Chairman, Legal Rights
Committee, State Organizer, American Federation of Labor.

(Signed) GEO. D. SMITH,
Secretary- Treasurer, Arizona State Federation of Labor.

July 20, 1918.

PROPOSED AMENDMENT OF THE CONSTITUTION OF THE
STATE OF ARIZONA.

AN ACT TO AMEND SECTION 1, OF SUBDIVISION 2 OF ARTICLE IV OF THE CONSTITUTION OF THE STATE OF ARIZONA, BY GIVING EACH COUNTY IN THE STATE EQUITABLE REPRESENTATION IN THE LOWER HOUSE OF THE LEGISLATURE BASED ON POPULATION; AUTHORIZING BOARDS OF SUPERVISORS, TO DIVIDE COUNTIES INTO LEGISLATIVE DISTRICTS ACCORDING TO POPULATION, AND PERMITTING EACH DISTRICT TO NOMINATE AND ELECT ITS OWN REPRESENTATIVE IN THE STATE LEGISLATURE.

To be submitted to the qualified electors of the State of Arizona for
their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON THE FIFTH DAY OF NOVEMBER, 1918.

Proposed by Initiative Petition of the people and filed in the office of
the Secretary of State, July 3rd, 1918, in accordance with the
provisions of Paragraph 3328, Chapter 1, Title XXII,
Revised Statutes of Arizona, 1913, Civil Code.

Printed in pursuance of Paragraph 3332, Chapter 1, Title XXII, Re-
vised Statutes of Arizona, 1913, Civil Code.

SIDNEY P. OSBORN, Secretary of State.

The following is the form and number in which the question will
be printed on the official ballot:

PROPOSED AMENDMENT TO THE CONSTITUTION.
PROPOSED BY INITIATIVE PETITION.

AN ACT TO AMEND SECTION 1, OF SUBDIVISION 2 OF ARTICLE IV OF THE CONSTITUTION OF THE STATE OF ARIZONA, BY GIVING EACH COUNTY IN THE STATE EQUITABLE REPRESENTATION IN THE LOWER HOUSE OF THE LEGISLATURE BASED ON POPULATION; AUTHORIZING BOARDS OF SUPERVISORS, TO DIVIDE COUNTIES INTO LEGISLATIVE DISTRICTS ACCORDING TO POPULATION, AND PERMITTING EACH DISTRICT TO NOMINATE AND ELECT ITS OWN REPRESENTATIVE IN THE STATE LEGISLATURE.

If you favor the above law, vote YES; if opposed, vote NO.

102 Yes.

103 No.

(On Official Ballot Nos. 102 and 103.)

AN ACT

TO AMEND ARTICLE IV OF THE CONSTITUTION OF THE
STATE OF ARIZONA.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

That Section 1 of Subdivision 2 of Article IV of the Constitution of the State of Arizona be and the same is hereby amended so as to read as follows:

"Section 1. Until otherwise provided by law the Senate shall consist of nineteen members, apportioned among several counties, as follows: Apache County, one senator; Cochise County, two senators; Coconino County, one senator; Gila County, two senators; Graham County, one senator; Greenlee County, one senator; Maricopa County, two senators; Mohave County, one senator; Navajo County, one senator; Pima County, two senators; Pinal County, one senator; Santa Cruz County, one senator; Yavapai County, two senators; Yuma County, one senator.

"There shall be elected from each County, at large, the number of senators to which such County is entitled, and there shall be elected from each County, in the manner hereinafter directed, one representative for each fifteen hundred votes or major fraction thereof cast in such County for the office of Governor at the last preceding general election, to be determined from the official canvass of all votes cast for all candidates for such office of Governor, and provided that no County shall have a smaller number of representatives than that to which it is now entitled.

"Within twelve months from the time this amendment is declared adopted, the Board of Supervisors of each County entitled to more than one representative shall divide such County into as many legislative districts as there may be representatives to be elected from such County, and each of such districts shall be entitled to elect one representative. Such division shall be so made that the legislative districts within a County shall contain, as nearly as may be, the same voting population. Such districts shall be compact in form, and no such district

shall include non-contiguous portions of any County. Before establishing such districts, the Board of Supervisors shall give at least thirty days, notice of their intention so to do, by publishing the same in two successive issues of some newspaper of general circulation published in such County. The order of the Board of Supervisors establishing such districts shall clearly and explicitly define the boundaries thereof, and shall be entered at large on the official records of the proceedings of such Board.

“Any such County shall be redistricted by such Board of Supervisors not less than six months prior to each regular election for representatives, when by reason of the number of votes therein cast for the office of Governor at the last preceding general election, it shall be entitled to a greater number of representatives. In Counties entitled to but one representative, such representative shall be elected from the County at large.”

Filed July 3, 1918.

ARGUMENT

(Affirmative)

Submitted by

JAMES A. JONES and A. S. MILLS.

In favor of the measure designated on the official ballot as follows:

PROPOSED AMENDMENT TO THE CONSTITUTION.

PROPOSED BY INITIATIVE PETITION.

AN ACT TO AMEND SECTION 1 OF SUBDIVISION 2 OF ARTICLE IV OF THE CONSTITUTION OF THE STATE OF ARIZONA, BY GIVING EACH COUNTY IN THE STATE EQUITABLE REPRESENTATION IN THE LOWER HOUSE OF THE LEGISLATURE BASED ON POPULATION; AUTHORIZING BOARDS OF SUPERVISORS, TO DIVIDE COUNTIES INTO LEGISLATIVE DISTRICTS ACCORDING TO POPULATION, AND PERMITTING EACH DISTRICT TO NOMINATE AND ELECT ITS OWN REPRESENTATIVE IN THE STATE LEGISLATURE.

If you favor the above law, vote YES; if opposed, vote NO.

102 Yes.

103 No.

ARGUMENT IN FAVOR OF INITIATIVE MEASURE AMENDING SECTION 1 OF SUBDIVISION 2, OF ARTICLE IV OF THE CONSTITUTION OF THE STATE OF ARIZONA.

The proposed amendment to our State Constitution providing for the election of members of our State Legislature by Legislative districts is not an innovation; it is in effect in many of our States. It is based on the same principle, and follows the same rule that has been in effect since the formation of our government in the election of Senators and Representatives to our National Congress. Senators are elected from the state at large, and Representatives from Congressional Districts.

In this proposed amendment the apportionment is so made, and it is definitely stated, that no county shall have less representation in the State Legislature than it has at present, but it provides for an increase in the representation when the population of the County justifies it. The constitutional provision now in effect does not make any allowance for increase in representation with the growth of population in this State. The proposed amendment gives each county equitable representation, and provides a system of Home Rule by which every section of the State can have its representation in the Legislature so that each particular locality of fifteen hundred voters shall have a representative to look after its interests.

When you consider the diversified resources of some of our counties this feature of the amendment is particularly desirable. It is a means of securing the best qualified men in each locality to become candidates for the Legislature, for the reason that in small districts of fifteen hundred voters, where a man is known to every voter in the district, his qualifications to represent a particular district in the Legislature will be the consideration with the great bulk of the voters rather than his political affiliation.

How many voters can call by name or know anything of the men from their respective counties who represented them in the last Legislature? We venture to say a very small number of the voters know even the names, much less the qualifications, of their representatives, who make the laws that govern them, and who provide for the expenditure of the millions of dollars collected in taxes in this State. They were elected at large from the counties, and the average voter voted for them simply because their names appeared on the ticket he usually voted, no attention whatever being paid to their qualifications.

Mr. Voter, ask yourself this question: Who represented me in the Legislature last session? If these men were elected by legislative districts of fifteen hundred voters, every voter in the District would be intimately acquainted with his representative and his qualifications for

the position, every section of your county would have equitable representation, and the more populous section would have no advantage over the more thinly populated portions of the county. Each would have an equal chance to elect its own representative.

The Constitution of this State grants women the right of suffrage and this necessarily carries with it the right to hold office. The Legislature is a fruitful field for the activities of women interested in political affairs, but it is almost a physical impossibility for a woman to make a campaign over a county larger than an eastern state for the sake of being elected to the Legislature, which meets for sixty days every two years. The election by legislative districts makes it possible for more women to be elected to the Legislature.

The same argument applies to the average business or professional man. He has not and will not give the time from his business, no matter what it may be, to make a campaign over one of those large counties. Thus the state is deprived of the services of men and women competent to make our laws and appropriations for the conduct of our State government running into millions of dollars. The question of who shall represent you in the Legislature is a serious one and one deserving of more thought and attention than it has heretofore received from the majority of the voters of this State.

Under the provisions of our present Constitution, members of the Legislature are the only officials in this State who are practically exempt from the Recall. A man elected in November assumes office the following January when the Legislature convenes, and his services are ordinarily completed sixty days later. It is manifestly impossible to recall a member of the Legislature in a large county of ten or twelve thousand voters before his term of services expires. Besides, it would be impossible to get another candidate to make a campaign for the vacancy in case a recall petition was circulated.

Under the proposed amendment, a man elected in a district of fifteen hundred voters, will be exceedingly careful to represent the sentiments of his district on all matters coming before the Legislature, as it will be a comparatively easy matter to get a candidate to make the campaign in a small district if a recall petition should be circulated. Besides, it will be very much easier to recall a man in a district of fifteen hundred voters than in a county of four or five thousand and upwards.

This measure is absolutely non-partisan. It makes no pretense of changing the present method of electing state senators. There is no advantage or disadvantage to any political party in electing the members

of the lower house of the Legislature by legislative districts as proposed in the amendment. It is the very personification of representative government. It gives the people the right to elect representatives personally known to them. It makes the recall provision of the constitution effective as to members of the Legislature. It gives every section of the State and of each County equitable representation, and does not permit the more populous sections to name the members of the Legislature to the exclusion of the less populous sections.

There is no reasonable or logical argument that can be advanced and successfully maintained against this proposed amendment. This amendment puts the control of the Legislature in the hands of the people. Your representatives will be responsible to you, and you only.

(Signed) A. S. MILLS,

(Signed) JAMES A. JONES.

PROPOSED AMENDMENT OF THE CONSTITUTION OF THE
STATE OF ARIZONA.

AN ACT TO AMEND SECTION TEN OF ARTICLE X OF
THE CONSTITUTION OF THE STATE OF ARIZONA.

To be submitted to the qualified electors of the State of Arizona for
their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON THE FIFTH DAY OF NOVEMBER, 1918.

Proposed by Initiative Petition of the people and filed in the office of the
Secretary of State, July 2, 1918, in accordance with the provi-
sions of Paragraph 3328, Chapter 1, Title XXII, Re-
vised Statutes of Arizona, 1913, Civil Code.

Printed in pursuance of Paragraph 3332, Chapter 1, Title XXII,
Revised Statutes of Arizona, 1913, Civil Code.

SIDNEY P. OSBORN, Secretary of State.

The following is the form and number in which the question will
be printed on the official ballot.

PROPOSED AMENDMENT TO THE CONSTITUTION.

PROPOSED BY INITIATIVE PETITION.

AN ACT TO AMEND SECTION TEN OF ARTICLE X OF
THE CONSTITUTION OF THE STATE OF ARIZONA, "Author-
izing the Legislature to provide proper laws for the sale of all State
lands and the lease of same, and for the protection of bona fide residents
and lessees of said lands."

If you favor the above law, vote YES; if opposed, vote NO.

104 Yes.

105 No.

(On Official Ballot Nos 104 and 105.)

AN ACT

TO AMEND SECTION TEN OF ARTICLE X OF THE CONSTITUTION OF THE STATE OF ARIZONA.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

That Section Ten of Article X of the Constitution of the State of Arizona be and the same is hereby amended to read as follows:

Section 10. The legislature shall provide by proper laws for the sale of all state lands or the lease of such lands, and shall further provide by said laws for the protection of the actual bona fide residents and lessees of said lands, whereby such residents and lessees of said lands shall be protected in their rights to their improvements (including water rights) in such manner that in case of lease to other parties the former lessee shall be paid by the succeeding lessee the value of such improvements and rights and actual bona fide residents and lessees shall have preference to a renewal of their leases at a reassessed rental to be fixed as provided by law.

Filed July 2, 1918.

PROPOSED AMENDMENT OF THE CONSTITUTION OF THE
STATE OF ARIZONA.

AN ACT TO AMEND SECTION 11 OF ARTICLE X OF THE
CONSTITUTION OF THE STATE OF ARIZONA.

To be submitted to the qualified electors of the State of Arizona for
their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON THE FIFTH DAY OF NOVEMBER, 1918.

Proposed by Initiative Petition of the people and filed in the office of
the Secretary of State, July 2, 1918, in accordance with the pro-
visions of Paragraph 3328, Chapter 1, Title XXII, Re-
vised Statutes of Arizona, 1913, Civil Code.

Printed in pursuance of Paragraph 3332, Chapter 1, Title XXII,
Revised Statutes of Arizona, 1913, Civil Code.

SIDNEY P. OSBORN, Secretary of State.

The following is the form and number in which the question will
be printed on the official ballot:

PROPOSED AMENDMENT TO THE CONSTITUTION.
PROPOSED BY INITIATIVE PETITION.

AN ACT TO AMEND SECTION 11 OF ARTICLE X OF THE
CONSTITUTION OF THE STATE OF ARIZONA, "Limiting the
sale of agricultural and grazing lands."

If you favor the above law, vote YES: if opposed, vote NO.

106 Yes.

107 No.

(On Official Ballot Nos. 106 and 107.)

AN ACT

TO AMEND SECTION 11 OF ARTICLE X OF THE CONSTI-
TUTION OF THE STATE OF ARIZONA.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARI-
ZONA.

That Section 11 of Article X of the Constitution of the State of
Arizona be and the same is hereby amended so as to read as follows:

Section 11. No individual, corporation or association shall be al-
lowed to purchase more than one hundred sixty (160) acres of agri-
cultural land or more than six hundred forty (640) acres of grazing land.

Filed July 2, 1918.

AN ACT TO AMEND SECTION 4 OF AN INITIATIVE MEASURE ENTITLED "AN ACT TO PROMOTE THE WELFARE OF THE PEOPLE OF THE STATE OF ARIZONA, TO PROVIDE FOR THE DEVELOPMENT OF THE RESOURCES OF THE STATE, TO ABOLISH THE CONTRACT SYSTEM OF ALL STATE CONSTRUCTION AND TO ESTABLISH A STATE PRINTING PLANT, AND TO ESTABLISH A STATE BANKING SYSTEM, AND TO MAKE AN APPROPRIATION THEREFOR, AND TO PROVIDE FOR THE SUBMISSION OF SUCH PROPOSED AMENDMENT TO THE PEOPLE OF THE STATE OF ARIZONA."

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON THE FIFTH DAY OF NOVEMBER, 1918.

Referred to the people by the Legislature and filed in the office of the Secretary of State, March 21, 1917, in accordance with the provisions of Paragraph 3328, Chapter 1, Title XXII, Revised Statutes of Arizona, 1913, Civil Code.

Printed in pursuance of Paragraph 3332, Chapter 1, Title XXII, Revised Statutes of Arizona, 1913, Civil Code.

SIDNEY P. OSBORN, Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

REFERENDUM ORDERED BY THE LEGISLATURE.

AN ACT TO AMEND SECTION 4 OF AN INITIATIVE MEASURE ENTITLED, "AN ACT TO PROMOTE THE WELFARE OF THE PEOPLE OF THE STATE OF ARIZONA, TO PROVIDE FOR THE DEVELOPMENT OF THE RESOURCES OF THE STATE, TO ABOLISH THE CONTRACT SYSTEM OF ALL STATE CONSTRUCTION AND TO ESTABLISH A STATE PRINTING PLANT, AND TO ESTABLISH A STATE BANKING SYSTEM, AND TO MAKE AN APPROPRIATION THEREFOR, AND TO PROVIDE FOR THE SUBMISSION OF SUCH PROPOSED AMENDMENT TO THE PEOPLE OF THE STATE OF ARIZONA."

If you favor the above law, vote YES; if opposed, vote NO.

300 Yes.

301 No.

(On Official Ballots Nos 300 and 301).

CHAPTER 83. (House Bill No. 124.)

AN ACT

To Amend Section 4 of an Initiative Measure Entitled "An Act to Promote the Welfare of the People of the State of Arizona, to Provide for the Development of the Resources of the State, to Abolish the Contract System of all State Construction and to Establish a State Printing Plant, and to Establish a State Banking System, and to Make an Appropriation Therefor, and to Provide for the Submission of such Proposed Amendment to the People of the State of Arizona."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

Section 1. That it is hereby proposed that Section 4 of an initiative measure entitled "An act to promote the welfare of the people of the State of Arizona, to provide for the development of the resources of the State, to abolish the contract system of all State construction, and to establish a State printing plant, and to establish a State banking system, and to make an appropriation therefor, and to provide for the submission of such proposed amendment to the people of the State of Arizona," shall be amended so as to read as follows:

(4) All work on all State buildings, dams, reservoirs, flumes, water plants, gas plants and all other State construction may be done by contract.

Sec. 2. The said proposed amendment as set forth in Section 1 of this act is hereby approved in accordance with the provisions of Section 1, Article 21 of the Constitution of Arizona.

Sec. 3. When said proposed amendment shall be approved by a majority of each House of the Legislature and entered on the respective journals thereof, together with the ayes and nays thereon, the Secretary of State shall submit such proposed amendment to the vote of the people at the next regular or general election.

"This bill having remained with the Governor ten days, Sundays excluded, after the final adjournment of the Legislature, and not having been filed with his objections, has become a law this 21st day of March, 1917."

SIDNEY P. OSBORN, Secretary of State.

AN ACT TO AMEND SECTIONS 319, 320, 321, 322 AND 323,
CHAPTER X, TITLE 9, REVISED STATUTES OF ARIZONA, 1913,
PENAL CODE, ENTITLED "GAMING."

To be submitted to the qualified electors of the State of Arizona for
their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON THE FIFTH DAY OF NOVEMBER, 1918.

Referendum ordered by Petition of the people and filed in the office of
the Secretary of State, June 4, 1917, in accordance with the pro-
visions of Paragraph 3328, Chapter 1, Title XXII, Re-
vised Statutes of Arizona, 1913, Civil Code.

Printed in pursuance of Paragraph 3332 Chapter 1, Title XXII,
Revised Statutes of Arizona, 1913, Civil Code.

SIDNEY P. OSBORN, Secretary of State.

The following is the form and number in which the question will
be printed on the official ballot:

REFERENDUM ORDERED BY PETITION OF THE PEOPLE

AN ACT TO AMEND SECTIONS 319, 320, 321, 322 and 323,
CHAPTER X, TITLE 9, REVISED STATUTES OF ARIZONA, 1913,
PENAL CODE, ENTITLED "GAMING."

If you favor the above law, vote YES; if opposed, vote NO.

302 Yes.

303 No.

(On Official Ballot Nos. 302 and 303).

CHAPTER 71. (House Bill No. 57).

AN ACT

TO AMEND SECTIONS 319, 320, 321, 322 AND 323, CHAPTER
X, TITLE 9, REVISED STATUTES OF ARIZONA, 1913, PENAL
CODE ENTITLED "GAMING."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF
ARIZONA:

Section 1. That Sections 319, 320, 321, 322 and 323 Chapter X,

Title 9, Revised Statutes of Arizona, 1913, Penal Code, be and the same are hereby amended to read as follows:

319. Every person who shall deal, carry on, or open, or cause to be opened, or who shall conduct, either as owner, proprietor or employee, whether for hire or not, any game of faro, monte, roulette, lasquet, rouge et noir, rondo, vingt-un or twenty-one, poker, stud poker, draw poker, bluff, fan tan, thaw, seven and one-half, chuck-a-luck, black-jack, "panginki," or any similar game whatsoever, played with cards, dice or any other device, and every slot machine, punchboard, or machine of like character, whether the same be played for money, checks, credits or any other representative of value within the State of Arizona; and every person who shall participate in any of the above enumerated games dealt, carried on, opened or caused to be opened by any other person in the State of Arizona, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, nor more than three hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.

320. If any proprietor, owner, or part owner, lessee, manager or any person having management, supervision, or control, temporary or permanent, of any gambling house or other resort maintained for gambling or of any building shall permit any of the games mentioned in the preceding section to be played in such place, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in the preceding section.

321. Every person who shall deal, carry on or open, or cause to be opened, or who shall conduct, or who shall participate in, either as owner, proprietor, employee, or participant, whether for hire or not, any banking or percentage game whatsoever, played with cards, dice, or any device, or by the aid of any device, whether the same be played for money, checks, credits, or any other representative of value, or in which markers are used, or in which anything of value changes hands, within the State of Arizona, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, nor more than three hundred dollars, or by imprisonment for not more than six months or by both such fine and imprisonment.

322. If any proprietor, owner, or part owner, lessee, manager or any person having management, supervision, or control, temporary or permanent, of any gambling house or other resort maintained for gambling, or of any building, shall permit any of the games mentioned in the preceding sections to be played in such place, he shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in Section 319.

322. No city, town or village, department, nor other political subdivision of the State of Arizona may license the carrying on, or operating in any place, or in any manner of any gambling game or games of chance of any variety whatever, nor impose, nor collect any occupation tax or other tax upon or from any person or persons for the carrying on or the operation thereof.

Sec. 2. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

AN ACT MAKING IT A MISDEMEANOR FOR ANY PERSON WHO, BEING THE OWNER OR LESSEE OF ANY BUILDING OR PLACE, PERMITS THE SAME TO BE USED FOR PURPOSES OF LEWDNESS, ASSIGNATION OR PROSTITUTION, AND PROVIDING PUNISHMENT THEREFOR. ALSO DECLARING ALL BUILDINGS AND PLACES NUISANCES WHEREIN OR UPON WHICH ACTS OF LEWDNESS, ASSIGNATION OR PROSTITUTION, ARE HELD OR OCCUR OR WHICH ARE USED FOR SUCH PURPOSES, AND PROVIDING FOR THE ABATEMENT OF SUCH NUISANCES BY INJUNCTION OR OTHERWISE.

To be submitted to the qualified electors of the State of Arizona for
their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON THE FIFTH DAY OF NOVEMBER, 1918.

Referendum ordered by petition of the people and filed in the office
of the Secretary of State, May 31, 1917, in accordance with the
provisions of Paragraph 3328, Chapter 1, Title XXII,
Revised Statutes of Arizona, 1913, Civil Code.

Printed in pursuance of Paragraph 3332, Chapter 1, Title XXII,
Revised Statutes of Arizona, 1913, Civil Code.

SIDNEY P. OSBORN, Secretary of State.

The following is the form and number in which the question will
be printed on the official ballot:

REFERENDUM ORDERED BY PETITION OF THE PEOPLE

AN ACT MAKING IT A MISDEMEANOR FOR ANY PERSON WHO, BEING THE OWNER OR LESSEE OF ANY BUILDING OR PLACE, PERMITS THE SAME TO BE USED FOR PURPOSES OF LEWDNESS, ASSIGNATION OR PROSTITUTION, AND PROVIDING PUNISHMENT THEREFOR, ALSO DECLARING ALL BUILDINGS AND PLACES NUISANCES WHEREIN OR UPON WHICH ACTS OF LEWDNESS, ASSIGNATION OR PROSTITUTION, ARE HELD OR OCCUR OR WHICH ARE USED FOR SUCH PURPOSES, AND PROVIDING FOR THE ABATEMENT OF SUCH NUISANCES BY INJUNCTION OR OTHERWISE.

If you favor the above law, vote YES; if opposed, vote NO.

304 Yes.

305 No.

(On Official Ballot Nos. 304 and 305).

CHAPTER 62. (House Bill No. 4.)

AN ACT

MAKING IT A MISDEMEANOR FOR ANY PERSON WHO, BEING THE OWNER OR LESSEE OF ANY BUILDING OR PLACE, PERMITS THE SAME TO BE USED FOR PURPOSES OF LEWDNESS, ASSIGNATION OR PROSTITUTION, AND PROVIDING PUNISHMENT THEREFOR. ALSO DECLARING ALL BUILDINGS AND PLACES NUISANCES WHEREIN OR UPON WHICH ACTS OF LEWDNESS, ASSIGNATION OR PROSTITUTION, ARE HELD OR OCCUR OR WHICH ARE USED FOR SUCH PURPOSES, AND PROVIDING FOR THE ABATEMENT OF SUCH NUISANCES BY INJUNCTION OR OTHERWISE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ARIZONA:

Section 1. The term "person" as used in this Act shall be deemed and held to mean individuals, corporations, associations, partnerships, trustees, lessees, agents and assignees. The term "building" as used in this Act shall be deemed and held to mean and include so much of any building or structure of any kind as is or may be entered through the same outside entrance.

Sec. 2. Any person who, being the owner or lessee of any building or place, permits such building or place to be used for purposes of lewdness, assignation or prostitution, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars (\$100.00), nor more than Three Hundred Dollars (\$300.00), or by imprisonment in the county jail for a term of not less than two (2) months nor more than six (6) months, or by both such fine and imprisonment.

Sec. 3. Every building or place used for the purpose of lewdness, assignation or prostitution and every building or place wherein or upon which acts of lewdness, assignation or prostitution are held or occur, is a nuisance which shall be enjoined, abated and prevented as hereinafter provided, whether the same be a public or private nuisance.

Sec. 4. Whenever there is a reason to believe that such nuisance is kept, maintained or exists in any county or city and county, the county attorney of said county or city and county, in the name of the people of the State of Arizona, must, or any citizen of the State resident within said county or city and county, in his own name may, maintain an action in equity to abate and prevent such nuisance and to perpetually enjoin the person or persons conducting or maintaining the same, and the owner lessee or agent of the building, or place, in or upon which such nuisance exists, from directly or indirectly maintaining or permitting such nuisance.

Sec. 5. The complaint in such action must be verified unless filed by the county attorney. Whenever the existence of such nuisance is

shown in such action to the satisfaction of the court or judge thereof, either by verified complaint or affidavit, the court or judge shall allow a temporary writ of injunction to abate and prevent the continuance or recurrence of such nuisance.

Sec. 6. The action when brought shall have precedence over all other actions, excepting criminal proceedings, election contests and hearings on injunctions, and in such action evidence of the general reputation of the place shall be admissible for the purpose of proving the existence of said nuisance. If the complaint is filed by a citizen, it shall not be dismissed by the plaintiff or for want of prosecution except upon a sworn statement made by the complainant and his attorney, setting forth the reasons why the action should be dismissed, and the dismissal ordered by the court. In case of failure to prosecute any such action with reasonable diligence, or at the request of the plaintiff, the court, in its discretion, may substitute any such citizen consenting thereto for such plaintiff. If the action is brought by a citizen and the court finds there was no reasonable ground or cause for said action, the costs shall be taxed against such citizen.

Sec. 7. Any violation or disobedience of either any injunction or order expressly provided for by this Act shall be punished as a contempt of court by a fine of not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for not less than one month nor more than six months, or by both such fine and imprisonment.

Sec. 8. If the existence of the nuisance be established in an action as provided herein, an order of abatement shall be entered as a part of the judgment in the case, which order shall direct the removal from the building or place of all fixtures, musical instruments and movable property used in conducting, maintaining, aiding or abetting the nuisance, and shall direct the sale thereof in the manner provided for the sale of chattels under execution, and effectual closing of the building or place against its use for any purpose, and so keeping it closed for a period of one year, unless sooner released, as hereinafter provided. While such order remains in effect as to closing, such building or place shall be and remain in the custody of the court. For removing and selling the movable property, the officer shall be entitled to charge and receive the same fee as he would for levying upon and selling like property on execution, and for closing the premises and keeping them closed, a reasonable sum shall be allowed by the court.

Sec. 9. The proceeds of the sale of the property, as provided in the preceding section, shall be applied as follows:

- 1st. To the fees and costs of such removal and sale;
- 2nd. To the allowances and costs of so closing and keeping closed such building or place;
- 3rd. To the payment of plaintiff's costs in such action;
- 4th. The balance, if any, shall be paid to the owner of the property so sold.

If the proceeds of such sale do not fully discharge all such costs, fees and allowances, the said building and place shall then also be sold

under execution issued upon the order of the court or judge and the proceeds of such sale applied in like manner.

Sec. 10. If the owner of the building or place has not been guilty of any contempt of court in the proceedings, and appears and pays all costs, fees and allowances, which are a lien on the building or place and files a bond in the full value of the property, to be ascertained by the court, with sureties, to be approved by the court or judge, conditioned that he will immediately abate any such nuisance that may exist at such building or place and prevent the same from being established or kept thereat within a period of one year thereafter, the court, or judge thereof, may, if satisfied of his good faith, order the premises closed under the order of abatement, to be delivered of said owner, and said order of abatement cancelled so far as the same may relate to said property. The release of the property under the provisions of this section shall not release it from any judgment, lien, penalty or liability to which it may be subject by law.

Sec. 11. Whenever the owner of a building or place upon which the act or acts constituting the contempt shall have been committed, or of any interest therein has been guilty of a contempt of court and fined therefor in any proceedings under this act, such fine shall be a lien upon such building and place to the extent of the interest of such person therein inforcable and collectible by execution issued by order of the court.

Sec. 12. All acts and parts of acts in conflict with the provisions of this Act are hereby repealed; PROVIDED, that nothing herein shall be construed as repealing any law for the suppression of lewdness, assignation or prostitution.

Approved March 14, 1917.

AN ACT PRESCRIBING PUNISHMENT OF PERSONS GUILTY OF MURDER AND PROVIDING FOR THE ENFORCEMENT AND EXECUTION OF THE DEATH PENALTY AND REPEALING INITIATIVE MEASURE SUBMITTED TO THE PEOPLE BY INITIATIVE PETITION FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 6, 1916, AND APPROVED BY A MAJORITY OF THE VOTES CAST THEREON AT THE GENERAL ELECTION HELD ON THE 7TH DAY OF NOVEMBER, 1916, AND DECLARED TO BE IN FULL FORCE AND EFFECT BY PROCLAMATION OF THE GOVERNOR OF THE STATE OF ARIZONA DATED DECEMBER 8, 1916, AND BEING "AN ACT RELATING TO THE ENFORCEMENT OF THE DEATH PENALTY AND AMENDING PARAGRAPH 173, CHAPTER 1, TITLE VIII, PENAL CODE, OF THE REVISED STATUTES OF ARIZONA, 1913."

AN INITIATIVE MEASURE

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON THE FIFTH DAY OF NOVEMBER, 1918.

By initiative petition of the people filed in the office of the Secretary of State, July 3, 1918, in accordance with the provisions of Paragraph 3328, Chapter 1, Title XXII, Revised Statutes of Arizona, 1913, Civil Code.

Printed in pursuance of Paragraph 3332, Chapter 1, Title XXII, Revised Statutes of Arizona, 1913, Civil Code.

SIDNEY P. OSBORN, Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

PROPOSED BY INITIATIVE PETITION OF THE PEOPLE.

AN ACT PRESCRIBING PUNISHMENT OF PERSONS GUILTY OF MURDER AND PROVIDING FOR THE ENFORCEMENT AND EXECUTION OF THE DEATH PENALTY AND REPEALING INITIATIVE MEASURE SUBMITTED TO THE PEOPLE BY INITIATIVE PETITION FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 6, 1916, AND APPROVED BY A MAJORITY OF THE VOTES CAST THEREON AT THE GENERAL ELECTION HELD ON THE 7TH DAY OF NOVEMBER, 1916, AND DECLARED TO BE IN FULL FORCE AND EFFECT BY PROCLAMATION OF THE GOVERNOR OF THE STATE OF ARIZONA DATED DECEMBER 8, 1916, AND BEING

"AN ACT RELATING TO THE ENFORCEMENT OF THE DEATH PENALTY AND AMENDING PARAGRAPH 173, CHAPTER 1, TITLE VIII, PENAL CODE, OF THE REVISED STATUTES OF ARIZONA, 1913."

If you favor the above law, vote YES; if opposed, vote NO.

306 Yes.

307 No.

(On Official Ballot Nos 306 and 307).

AN ACT

PRESCRIBING PUNISHMENT OF PERSONS GUILTY OF MURDER AND PROVIDING FOR THE ENFORCEMENT AND EXECUTION OF THE DEATH PENALTY AND REPEALING INITIATIVE MEASURE SUBMITTED TO THE PEOPLE BY INITIATIVE PETITION FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 6, 1916, AND APPROVED BY A MAJORITY OF THE VOTES CAST THEREON AT THE GENERAL ELECTION HELD ON THE 7TH DAY OF NOVEMBER, 1916, AND DECLARED TO BE IN FULL FORCE AND EFFECT BY PROCLAMATION OF THE GOVERNOR OF THE STATE OF ARIZONA DATED DECEMBER 8, 1916, AND BEING "AN ACT RELATING TO THE ENFORCEMENT OF THE DEATH PENALTY AND AMENDING PARAGRAPH 173, CHAPTER I, TITLE VIII, PENAL CODE, OF THE REVISED STATUTES OF ARIZONA, 1913."

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

Section 1. Every person guilty of murder in the first degree shall suffer death or imprisonment in the State prison for life, at the discretion of the jury trying the same, or, upon the plea of guilty, the Court shall determine the same; and every person guilty of murder in the second degree is punishable by imprisonment in the State prison not less than ten years.

Sec. 2. When a judgment of death is rendered, a warrant, signed by the judge, and attested by the clerk, under the seal of the Court, must be drawn and delivered to the sheriff. It must state the conviction and judgment, and appoint a day on which the judgment is to be executed, which must not be less than sixty nor more than ninety days from the time of judgment, and must direct the sheriff to deliver the defendant within ten days from the time of judgment, to the superintendent of the State prison of this State, for execution.

Sec. 3. If, after the delivery to the superintendent for execution, there is good reason to believe that a defendant, under judgment of death, has become insane, the superintendent must call such fact to the attention of the county attorney of the county in which the prison is situated, whose duty it is to immediately file in the Superior Court of such county a petition, stating the conviction and judgment and the fact that the defendant is believed to be insane, and asking that the question of his sanity be inquired into. Thereupon the court must at once cause to be summoned and empaneled from the regular jury list of the county, a jury of twelve persons to hear such inquiry.

Sec. 4. The county attorney must attend the hearing and may produce witnesses before the jury, for which purpose he may issue process in the same manner as for witnesses to attend before the grand jury, and disobedience thereto may be punished in like manner as disobedience to process issued by the court.

Sec. 5. The verdict of the jury must be entered upon the minutes, and thereupon the court must make and cause to be entered an order

reciting the fact of such inquiry and the result thereof, and when it is found that the defendant is insane the order must direct that he be taken to the State asylum for the insane, and there kept in safe confinement until his reason is restored.

Sec. 6. If it be found that the defendant is sane, the superintendent must proceed to execute the judgment as specified in the warrant; if it is found that the defendant is insane, the superintendent must suspend the execution, and transmit a certified copy of the order mentioned in the last section to the governor and deliver the defendant, together with a certified copy of such order, to the medical superintendent of the asylum named in such order. When the defendant recovers his reason, the superintendent of such asylum must certify that fact to the governor, who must thereupon issue to the superintendent his warrant, appointing a day for the execution of the judgment.

Sec. 7. If there is good reason to believe that a female against whom a judgment of death is rendered, is pregnant, such proceedings must be had as are provided in Section 3 hereof, except that instead of a jury as therein provided, the court may summon three disinterested physicians of good standing in their profession to inquire into the supposed pregnancy, who shall, in the presence of the court, but with closed doors if requested by the defendant, examine the defendant and hear any evidence that may be produced, and make a written finding and certificate of their conclusion, to be approved by the court and spread upon the minutes. The provisions of Section 4 hereof apply to the proceedings upon such inquiry.

Sec. 8. If it be found that the female is not pregnant, the superintendent must execute the judgment; if it is found that she is pregnant, the superintendent must suspend the execution of the judgment, and transmit a certified copy of the finding and certificate to the governor. When the governor receives from the superintendent a certificate that the defendant is no longer pregnant, he must issue to the superintendent his warrant, appointing a day for the execution of the judgment.

Sec. 9. If for any reason other than the pendency of an appeal, a judgment of death has not been executed, and it remains in force, the court in which the conviction is had, on the application of the county attorney of the county in which the conviction is had, must order the defendant to be brought before it, or if he is at large, a warrant for his apprehension may be issued. Upon the defendant being brought before the court, it must inquire into the facts, and if no legal reason exists against the execution of the judgment, must make an order that the superintendent of the State prison, to whom the sheriff is directed to deliver the defendant, execute the judgment at a specified time. The superintendent must execute the judgment accordingly. From an order directing and fixing the time for the execution of a judgment, as herein provided there is no appeal.

Sec. 10. The punishment of death must be inflicted by hanging the defendant by the neck until he is dead.

Sec. 11. A judgment of death must be executed within the walls of the state prison. The superintendent of the State prison where the execution is to take place must be present at the execution and must invite the presence of a physician, the Attorney General of the State, and at least twelve reputable citizens, to be selected by him; and he shall at the request of the defendant, permit such clergymen, not ex-

ceeding two, as the defendant may name, and any persons, relatives or friends, not to exceed five, to be present at the execution, together with such peace officers as he may think expedient to witness the execution. But no other persons than those mentioned in this section can be present at the execution, nor can any person under age be allowed to witness the same.

Sec. 12. After the execution, the superintendent must make a return upon the death warrant to the court by which the judgment was rendered, showing the time, mode and manner in which it was executed.

Sec. 13. Initiative measure submitted to the people by initiative petition filed in the office of the Secretary of State July 6, 1916, and approved by a majority of the votes cast thereon at the general election held on the 7th day of November, 1916, and declared to be in full force and effect by proclamation of the Governor of the State of Arizona dated December 8, 1916, and being "An Act Relating to the Enforcement of the Death Penalty and Amending Paragraph 173, Chapter I, Title VIII, Penal Code, of the Revised Statutes of Arizona, 1913," is hereby repealed.

Sec. 14. All acts and parts of acts in conflict with this act are hereby repealed.

Filed July 3, 1918.

AN ACT PROVIDING THAT MINOR CHILDREN SHALL NOT BE SUBJECTED TO COMPULSORY VACCINATION WITHOUT THE CONSENT OF THEIR PARENTS OR GUARDIANS, AND RELATING TO AND PROVIDING REGULATIONS TO GOVERN THE ATTENDANCE OF NON-VACCINATED CHILDREN AT THE PUBLIC SCHOOLS DURING THE PERIOD OF AN EPIDEMIC OF SMALLPOX, AND REPEALING PARAGRAPH 4396, CHAPTER 1, TITLE XLI, REVISED STATUTES OF ARIZONA, 1913, CIVIL CODE.

AN INITIATIVE MEASURE

To be submitted to the qualified electors of the State of Arizona for their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON THE FIFTH DAY OF NOVEMBER, 1918.

By initiative petition of the people filed in the office of the Secretary of State, July 3, 1918, in accordance with the provisions of Paragraph 3328, Chapter 1, Title XXII, Revised Statutes of Arizona, 1913, Civil Code.

Printed in pursuance of Paragraph 3332, Chapter 1, Title XXII, Revised Statutes of Arizona, 1913, Civil Code.

SIDNEY P. OSBORN, Secretary of State.

The following is the form and number in which the question will be printed on the official ballot:

PROPOSED BY INITIATIVE PETITION OF THE PEOPLE.

AN ACT PROVIDING THAT MINOR CHILDREN SHALL NOT BE SUBJECTED TO COMPULSORY VACCINATION WITHOUT THE CONSENT OF THEIR PARENTS OR GUARDIANS, AND RELATING TO AND PROVIDING REGULATIONS TO GOVERN THE ATTENDANCE OF NON-VACCINATED CHILDREN AT THE PUBLIC SCHOOLS DURING THE PERIOD OF AN EPIDEMIC OF SMALLPOX, AND REPEALING PARAGRAPH 4396, CHAPTER 1, TITLE XLI, REVISED STATUTES OF ARIZONA, 1913, CIVIL CODE.

If you favor the above law, vote YES; if opposed, vote NO.

308 Yes.

309 No.

(On Official Ballot Nos 308 and 309).

AN ACT

PROVIDING THAT MINOR CHILDREN SHALL NOT BE SUBJECTED TO COMPULSORY VACCINATION WITHOUT THE CONSENT OF THEIR PARENTS OR GUARDIANS, AND RELATING TO AND PROVIDING REGULATIONS TO GOVERN THE ATTENDANCE OF NON-VACCINATED CHILDREN AT THE PUBLIC SCHOOLS DURING THE PERIOD OF AN EPIDEMIC OF SMALLPOX, AND REPEALING PARAGRAPH 4396, CHAPTER 1, TITLE XLI, REVISED STATUTES OF ARIZONA, 1913, CIVIL CODE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

Section 1. No minor child shall be subjected to compulsory vaccination without the consent of the parent or guardian having the care, custody or control of such minor. PROVIDED, HOWEVER, that no minor child shall be permitted to attend any public school in any school district in the State of Arizona during the period in which a smallpox epidemic may be prevalent in said school district unless said minor child shall have first been vaccinated.

Section 2. That paragraph 4396, Chapter I, Title XLI, of the Revised Statutes of Arizona, 1913, Civil Code, be, and the same is hereby repealed.

Sec. 3. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Filed July 3, 1918.

AN ACT TO AMEND SECTION 30, CHAPTER 5, OF THE
ACTS OF THE SECOND SPECIAL SESSION OF THE SECOND
LEGISLATURE OF THE STATE OF ARIZONA.

AN INITIATIVE MEASURE

To be submitted to the qualified electors of the State of Arizona, for
their approval or rejection at the

REGULAR GENERAL ELECTION

to be held

ON THE FIFTH DAY OF NOVEMBER, 1918.

By initiative petition of the people filed in the office of the Secretary
of State, July 2, 1918, in accordance with the provisions of Para-
graph 3328, Chapter 1, Title XXII, Revised Statutes of
Arizona, 1913, Civil Code.

Printed in pursuance of Paragraph 3332, Chapter 1, Title XXII,
Revised Statutes of Arizona 1913, Civil Code.

SIDNEY P. OSBORN, Secretary of State.

The following is the form and number in which the question will
be printed on the official ballot:

PROPOSED BY INITIATIVE PETITION OF THE PEOPLE.

AN ACT TO AMEND SECTION 30, CHAPTER 5 OF THE
ACTS OF THE SECOND SPECIAL SESSION OF THE SECOND
LEGISLATURE OF THE STATE OF ARIZONA, "LEASE OF
STATE LANDS."

If you favor the above law, vote YES; if opposed, vote NO.

310 Yes.

311 No.

(On Official Ballot Nos. 310 and 311).

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARIZONA:

That Section 30, Chapter 5 of the Acts of the Second Special Session of the Second Legislature of the State of Arizona, entitled "An Act to provide a code for the systematic administration, care and protection of the State Lands" and for other purposes, passed by the Second Special Session of the said Second Legislature of the State of Arizona, be and the same is hereby amended so as to read as follows:

LEASE OF STATE LANDS.

Section 30. APPLICATION FOR LEASE.

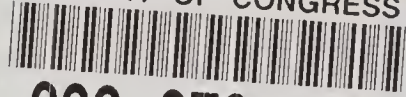
All lands not otherwise administered shall be subject to lease as in this Act provided. All applications for lease shall be made on blank forms to be prepared and furnished by the Commissioner and shall be signed and sworn to by the applicant and filed with the Commissioner.

Filed July 2, 1918.

INDEX

	Page
CONSTITUTIONAL AMENDMENTS:	
Adding New Article No. XXV, Workmen's Insurance Act.....	2
Affirmative Argument	28
Negative Argument	29
Act to Amend Section 1, Sub.-Div. 2 of Article V, Changing method of Electing Members of Legislature.....	31
Affirmative Argument	33
Act to Amend Section 10, of Article 10, providing for the sale and lease of State Lands.....	36
Act to Amend Section 11, of Article 10, limiting the sale of Agricultural and Grazing Land.....	38
INITIATIVE MEASURES:	
Amending Paragraph 173, Chapter 1, Title VIII, Penal Code, entitled: "An Act relative to the enforcing of the death penalty"	47
Anti-Vaccination Act	51
An Act to Amend Section 30, Chapter 5, Laws 1913, entitled, "Lease of State Lands".....	53
REFERENDUM:	
Act to Amend Section 4, of Initiative Measure to Abolish the contract system of all State Construction.....	39
Act to Amend Sections 319 to 323, Chapter 10, Title 9, Revised Statutes 1913, entitled: "Gaming".....	41
An Act to Amend Chapter 62, State Laws 1917 entitled: "Red Light Abatement Act".....	43

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